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# Executive Orders

## EXECUTIVE ORDER JBE 19-22

### The Louisiana Complete Count Committee

WHEREAS, Article 1, Section 2 of the United States Constitution mandates that a census be conducted of the nation's population every ten years with the next census scheduled for April 1, 2020;

WHEREAS, it is vital that all households in Louisiana participate in the census;

WHEREAS, it is essential that the 2020 Census obtain a complete and accurate count of Louisiana's population because the results will be used to determine congressional representation, allocate federal formula grant funds, redistrict federal, state, and local governmental bodies, and determine other important matters including critical community services and economic development until the next decennial census;

WHEREAS, it is essential that accurate data be collected from all Louisianans including groups of people which have typically been underrepresented, including the youth, elderly, low-income individuals, military personnel, Native French Speakers, American Indians, racial and ethnic minorities, homeless, and rural residents;

WHEREAS, planning, outreach, local and parish government involvement, and community education are required to ensure that the census is as accurate as possible;

WHEREAS, the United States Census Bureau has designated the Governor as the administrator of the State of Louisiana's 2020 Census; and

WHEREAS, the United States Census Bureau encourages each state to form a Complete Count Committee to increase awareness and understanding about the vital importance of the 2020 Census and encourage people to participate in the 2020 Census.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Complete Count Committee (hereafter "Committee") is hereby established within the Office of the Governor.

#### SECTION 2: Membership

A. The Committee shall consist of at least 15 members appointed by the Governor and may include, but shall not be limited to, current or past state and local officials or their designees, representatives of various faith, community, and stakeholder organizations, and such other members as may be appointed by the Governor in an effort to represent or reflect the diverse geographic, socio-economic, gender, racial, occupational, political, and cultural composition of the State of Louisiana.

B. The Governor shall designate the chairman of the Committee from the appointed membership. The Committee may elect a vice-chairman and such other officers as it deems necessary.

C. All members of the Committee shall serve at the pleasure of the Governor who may select and appoint a successor in the event of a vacancy and may otherwise alter the composition of the Committee at any time.

#### SECTION 3: Duties

The Committee shall have the following duties and functions:

A. Work collaboratively with the United States Census Bureau and any other in-state Complete Count Committees, as determined by the Committee, to increase awareness of, and encourage Louisianans to respond to, the 2020 Census;

B. Utilize members' knowledge, expertise, and experience to educate individuals and communities regarding the 2020 Census and seek to ensure the highest census participation rate possible;

C. Promote participation in the 2020 Census;

D. Develop partnerships to increase participation in the 2020 Census;

E. Distribute and share census information with traditionally hard-to-count areas and populations;

F. Identify barriers that might impede the progress of the 2020 Census; and

G. Advise the Governor on census activities.

#### SECTION 4: Meetings

The Committee shall meet at least quarterly and upon the call of the Committee Chair(s) or the Governor. A simple majority of the Committee members shall constitute a quorum.

#### SECTION 5: Administration

A. The Committee may create sub-committees.

B. The Office of the Governor shall provide staff and administrative support services for the Committee.

C. Committee members shall not receive additional compensation or a *per diem* from the Office of the Governor for serving on the Committee; however, Committee members who are an employee or an elected public official of the State of Louisiana or a political subdivision of the State of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

SECTION 6: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 17th day of December, 2019.

John Bel Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
R. Kyle Ardoin  
Secretary of State  
2001#070

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Children and Family Services Division of Child Welfare

#### Extended Foster Care Services (LAC 67:V.3903)

The Department of Children and Family Services (DCFS) has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V, Subpart 5, Foster Care, Chapter 39, Chafee Foster Care Independence Program and Extended Foster Care, Section 3903. This Emergency Rule shall be effective January 23, 2020, and shall remain in effect for a period of 120 days.

The department considers emergency action necessary to facilitate the expenditure of IV-E funds for extended foster care services to the estimated 220 children who are currently eligible for these foster care services as specified in Act 400 of the 2019 Regular Session of the Louisiana Legislature. Without emergency action, the department will not be able to draw down IV-E funds for this population of young adults and will not be in compliance with Act 400 of the Regular Session of the Louisiana Legislature. Young adults who are eligible for Extended Foster Care services will not be able to receive such support during their transition to adulthood.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 5. Foster Care

#### Chapter 39. Chafee Foster Care Independence Program and Extended Foster Care

#### §3903. Extended Foster Care Services

A. The DCFS will continue to provide foster care services to young adults age 18 to 21 who are completing secondary education or a program leading to an equivalent credential, enrolled in institution that provides postsecondary or vocational education, participating in a program or activity designed to promote employment or remove barriers to employment, employed at least 80 hours per month, or is incapable of doing any part of the activities in the aforementioned due to a medical condition in accordance with R.S. 46:288.1, et seq. They shall be eligible for foster care services until their twenty-first birthday as long as the youth is willing and continues to meet the above stated eligibility criteria. The youth initiates extended foster care services through signing a voluntary placement agreement. The young adult in foster care shall be eligible for all foster care services in accordance with their voluntary placement agreement and case plan; and, their foster parents, custodian or other placement provider continued services and benefits for the period of time the young adult is eligible and participating in the extended foster care program.

B. The DCFS will notify all foster children and their foster parents/custodians/placement provider in writing of the availability of extended foster care services; eligibility for the services; and, the benefits at the foster child's seventeenth birthday. The written notifications will continue every 90 days unless the foster child and foster parents/custodian/placement provider consent to participate in extended foster care, or the child becomes ineligible for participation in the program.

AUTHORITY NOTE: Promulgated in accordance with Act 400 of the 2019 Regular Session and R.S. 46:288.1, et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Child Welfare, LR 45:508 (April 2019), effective May 1, 2019, amended LR 46:

Marketa Garner Walters  
Secretary

2001#038

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

#### Bulletin 118—Statewide Assessment Standards and Practices—LEAP 2025—Science and Biology (LAC 28:XI.6115 and 6813)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XI, *Bulletin 118—Statewide Assessment Standards and Practices*. The revisions assign common achievement performance levels to the new LEAP 2025 grades 3-8 science and biology assessments first taken in the spring of 2019, providing for a coherent assessment system from grades 3 through high school. The results, which will be incorporated into the 2018-2019 school performance scores that will be released this fall, will be used to identify students' academic strengths and weaknesses, provide targeted interventions to struggling students, set meaningful goals for individual student and school achievement, and engage parents in supporting their child's academic progress. Use of the emergency provision will enable parents, educators, and school leaders to receive critical information about student academic achievement at the beginning of this current school year so that they may engage in academic planning and interventions to support student learning as quickly as possible. This Declaration of Emergency is adopted and effective on August 14, 2019 and will remain in effect for a period of 120 days or until adopted as a final Rule.

**Title 28  
EDUCATION**

**Part XI. Accountability/Testing**

**Subpart 3. Bulletin 118—Statewide Assessment  
Standards and Practices**

**Chapter 61. Louisiana Educational Assessment  
Program 2025 (LEAP 2025)**

**Subchapter A. General Provisions**

**§6115. Performance Standards**

**[Formerly LAC 28:CXL1115]**

A. Performance standards for LEAP English language arts, mathematics, science, and social studies tests are finalized in scaled-score form. The scaled scores range between 650 and 850 for English language arts, mathematics, science, and social studies.

**1. English Language Arts**

English Language Arts						
Achievement Level	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8
Advanced	810-850	790-850	799-850	790-850	785-850	794-850
Mastery	750-809	750-789	750-798	750-789	750-784	750-793
Basic	725-749					
Approaching Basic	700-724					
Unsatisfactory	650-699					

**2. Mathematics**

Mathematics						
Achievement Level	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8
Advanced	790-850	796-850	790-850	788-850	786-850	801-850
Mastery	750-789	750-795	750-789	750-787	750-785	750-800
Basic	725-749					
Approaching Basic	700-724					
Unsatisfactory	650-699					

**3. Science**

Science						
Achievement Level	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8
Advanced	773-850	778-850	781-850	782-850	790-850	782-850
Mastery	750-772	750-777	750-780	750-781	750-789	750-781
Basic	725-749	725-749	725-749	725-749	725-749	725-749
Approaching Basic	698-724	704-724	698-724	701-724	702-724	694-724
Unsatisfactory	650-697	650-703	650-697	650-700	650-701	650-693

**4. Social Studies**

Social Studies						
Achievement Level	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8
Advanced	777-850	783-850	782-850	773-850	777-850	780-850
Mastery	750-776	750-782	750-781	750-772	750-776	750-779
Basic	725-749	725-749	725-749	725-749	725-749	725-749
Approaching Basic	695-724	696-724	700-724	698-724	704-724	700-724
Unsatisfactory	650-694	650-695	650-699	650-697	650-703	650-699

B. - C.1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:391.4(A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1536 (July 2005), amended LR 32:235 (February 2006), LR 42:225 (February 2016), LR 43:2475 (December 2017), LR 44:468 (March 2018), repromulgated LR 44:1424 (August 2018), amended LR 46:

**Chapter 68. LEAP 2025 Assessments for High School  
Subchapter B. Achievement Levels and Performance  
Standards**

**§6813. Performance Standards**

**[Formerly LAC 28:CXL1813]**

A. - B.4. ...

**5. Biology Scaled-Score Ranges**

Biology	
Achievement Level	Scale Score Range
Advanced	772-850
Advanced	750-771
Basic	725-749
Approaching Basic	707-724
Unsatisfactory	650-706

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:215 (February 2009), amended LR 36:478 (March 2010), LR 37:820 (March 2011), repromulgated LR 37:1123 (April 2011), amended LR 38:35 (January 2012), LR 39:76 (January 2013), LR 39:2444 (September 2013), LR 44:470 (March 2018), LR 44:2129 (December 2018), LR 46:

Gary L. Jones  
President

2001#002

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

Bulletin 139—Louisiana Child Care and Development  
Fund Programs (LAC 28:CLXV.319 and 515)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXV in *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The revisions add an exception to the existing prohibition for caregivers to receive Child Care Assistance Program (CCAP) payments for children in their custody for a caregiver who serves as an eligible CCAP provider, in order for such provider to receive CCAP payments for the foster child who is cared for through the program. Further, the revisions establish separate rates for the care of infants and toddlers, recognizing increased costs for infant care, while also increasing all rates to at least the twenty-fifth percentile of the market rate. Finally, the proposed revisions provide for a special needs rate above the base rate. This Declaration of Emergency, adopted August 14, 2019 and effective on September 30, 2019 is will remain in effect for a period of 120 days from adoption, or until adopted as a final Rule.

**Title 28  
EDUCATION**

**Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs**

**Chapter 3. CCAP Provider Certification**

**§319. Caregiver's Ineligibility for CCAP Payments**

A. A caregiver, even if certified to receive CCAP, may not receive CCAP payments for the caregiver's own children or other children in the caregiver's custody.

1. Exception. A caregiver may receive CCAP payments for foster children in the caregiver's custody.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:6 and 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2114 (October 2015), amended LR 46:

**Chapter 5. CCAP Household Eligibility**

**§515. Payments Made on Behalf of Households**

A. The state maximum daily rates for CCAP care are as follows.

Child Care Provider Type	Regular Care	Regular Care for Toddlers	Regular Care for Infants	Special Needs Care Incentive	Special Needs Care Incentive for Toddlers	Special Needs Care Incentive for Infants
Type III Early Learning Center	\$22.00	\$23.75	\$25.00	\$27.72	\$29.93	\$31.50
School Child Care Center	\$16.50	\$16.50	\$16.50	\$20.79	\$20.79	\$20.79
Family Child Care Provider	\$17.00	\$18.00	\$18.00	\$21.42	\$22.68	\$22.68
In-Home Provider	\$17.50	\$17.50	\$17.50	\$22.05	\$22.05	\$22.05
Military Child Care Centers	\$22.00	\$23.75	\$25.00	\$27.72	\$29.93	\$31.50

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:6 and 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:44 (January 2016), LR 42:1870 (November 2016), LR 44:801 (April 2018), LR 46:

Gary L. Jones  
President

2001#003

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State Certification of School Personnel—PRAXIS Social Studies Exam Scores  
(LAC 28:CXXXI.101)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI in *Bulletin 746—Louisiana*

*Standards for State Certification of School Personnel*. The revisions further clarify social studies PRAXIS exam requirements approved by BESE in June 2019, which align the required social studies passing score with passing scores recommended by the Educational Testing Service. Specifically, the revisions indicate that specific PRAXIS scores achieved 12 months prior to the effective date will be accepted for purposes of educator certification, as not to penalize individuals who were administered the assessment prior to the revision. This Declaration of Emergency, adopted and effective on August 14, 2019 will remain in effect for a period of 120 days or until adopted as a final Rule.

**Title 28  
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel**

**Chapter 1. Introduction**

**§101. Purpose**

A. - B. ...

C. Certification policies are adopted and implemented in a manner, and with a timeline, that allows for a smooth transition from old to new requirements. Any certification change made by the BESE will include implementation dates to be specified at the time of recommendation to the BESE for action. In particular:

1. If the passing score for a specific Praxis exam increases, there will be a 12-month period from the date of adoption by the BESE to the effective date.

2. If the passing score for a specific Praxis exam decreases, scores achieved up to 12 months prior to the effective date adopted by the BESE will be accepted.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1782 (October 2006), amended LR 43:1290 (July 2017), LR 46:

Gary L. Jones  
President

2001#001

**DECLARATION OF EMERGENCY**

**Office of the Governor**

**Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River**

Standards of Conduct  
(LAC 46:LXX.6311)

In accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:953 (B), and under the authority of R.S. 34:1041, et seq. and Title 46 - Professional and Occupational Standards, Part LXX. River Pilots, Subpart 3. Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots, et seq. the Board of Examiners for New Orleans-Baton Rouge Steamship Pilots for the Mississippi River declares an emergency to exist and adopts by emergency process the attached regulation for the increased mandatory rest period for New Orleans - Baton Rouge Steamship Pilots.

Due to the safety sensitive nature of the duties performed by state commissioned pilots, this board has a strong commitment to the public and maritime industry. The board has promulgated standards of conduct, in order to further enhance the safety and wellbeing of the citizens of Louisiana and New Orleans-Baton Rouge Steamship Pilots as well as to prevent any imminent peril to public health, safety and welfare, and to achieve and maintain reliable, safe and efficient pilotage services.

The board has the authority to compel each and every individual pilot to be available for and accept orders for pilotage assignments in declared emergency situations or in other overriding operational conditions. This emergency rule amends LAC 46:LXX.6311 to provide for an increased mandatory rest period for New Orleans-Baton Rouge Steamship Pilots during time periods of extreme Mississippi River gauge levels and river currents.

This Emergency Rule becomes effective upon the signature of the President of the Board of Examiners for New Orleans-Baton Rouge Steamship Pilots for the Mississippi River, January 12, 2001, and shall remain in effect for 120 days, unless rescinded, renewed or until permanent rules and regulations become effective.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part LXX. River Pilots**

#### **Subpart 3. Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots**

#### **Chapter 63. Standards of Conduct**

#### **§6311. Mandatory Rest Period**

For the purpose of this rule, a turn is the time-period from dispatch to the termination of the allotted travel time.

B. All pilots shall have a minimum of 12 hours rest period between turns.

C. For the purpose of this rule, the rest period begins at the termination of the allotted travel time at the completion of one turn and ends at the time of dispatching for the next turn.

D. Notwithstanding Subsection B, the captain of the station and shift pilots shall be exempt from the minimum 12 hours rest period in between turns. However, in no case shall the captain of the station and shift pilots exceed 12 bridge hours in any 24 hour period.

E. Notwithstanding Subsection B, any pilot completing a turn lasting less than 4 bridge hours or receiving a discharge, shall not be required to comply with the mandatory 12 hours rest period. However, in no case shall any pilot acquire more than 12 hours in a 24 hour period. Pilots requesting twelve hours rest period shall not be called or dispatched in less than 12 hours from the completion of their finishing time.

F. Notwithstanding Subsection B, during a state of declared emergency all pilots shall be exempt from the minimum 8 hours rest period in between turns. However, in no case shall any pilot exceed 12 bridge hours in any 24 hour period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 31:56 (January 2005), amended by the Office

of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:500 (March 2010), LR 38:3167 (December 2012), LR 46:

Captain Robert D. Heitmeier  
President

2001#073

### **DECLARATION OF EMERGENCY**

#### **Department of Health Bureau of Health Services Financing**

#### **Medical Transportation Program Non-Emergency Medical Transportation (LAC 50:XXVII.541)**

The Department of Health, Bureau of Health Services Financing amends LAC 50:XXVII.541 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing amends the provisions governing provider enrollment in the non-emergency medical transportation (NEMT) program in order to lower the minimum liability insurance coverage requirements and reduce insurance premiums paid by NEMT providers to sustain and increase provider participation in the NEMT program. This Emergency Rule also removes language referring to prepayment of premiums from the administrative Rule to align with current practices.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to non-emergency medical transportation services. It is estimated that implementation of this Emergency Rule will have no programmatic costs for state fiscal year 2019-2020.

Effective December 27, 2019, the Department of Health, Bureau of Health Services Financing amends the provisions governing minimum liability insurance coverage requirements for providers enrolled in the non-emergency medical transportation program.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XXVII. Medical Transportation Program**

#### **Chapter 5. Non-Emergency Medical Transportation**

#### **Subchapter C. Provider Responsibilities**

#### **§541. Provider Enrollment**

A. All transportation providers must comply with the published rules and regulations governing the Medicaid Transportation Program, all state laws, and the regulations of any other governing state agency or commission or local entity to which they are subject as a condition of enrollment and continued participation in the Medicaid Program.

B. Non-emergency medical transportation profit providers shall have a minimum liability insurance coverage of \$25,000 per person, \$50,000 per accident and \$25,000 property damage policy.



1. The liability policy shall cover any and all:
  - a. - b. ...
  - c. non-owned autos; or
  - d. scheduled autos;
  - e. hired autos; and
  - f. non-owned autos.

2. Statements of insurance coverage from the agent writing the policy will not be acceptable. Proof must include the dates of coverage and a 30-day cancellation notification clause. Proof of renewal must be received by the department no later than 48 hours prior to the end date of coverage. The policy must provide that the 30-day cancellation notification be issued to the Bureau of Health Services Financing.

3. Upon notice of cancellation or expiration of the coverage, the department will immediately revoke the provider's Medicaid provider agreement. The ending date of the provider's participation in the Medicaid program shall be the ending date of insurance coverage. Retroactive coverage statements will not be accepted.

C. As a condition of reimbursement for transporting Medicaid recipients to medical or behavioral health services, family and friends must maintain the state minimum automobile liability insurance coverage, a current state inspection sticker, and a current valid driver's license. No special inspection by the department will be conducted. Proof of compliance with the three listed requirements for this class of provider must be submitted when enrollment in the department is sought. Proof shall be the sworn and notarized statement of the individual enrolling for payment, certifying that all three requirements are met. Family and friends may be enrolled and allowed to transport up to three specific Medicaid recipients or all members of one household. The recipients to be transported by each such provider will be noted in the computer files of the department. Individuals transporting more than three Medicaid recipients shall be considered profit providers and shall be enrolled as such.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 20:1115-1117 (October 1994), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1092 (July 2016), LR 45:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Erin Campbell, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Campbell is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH  
Secretary

2001#009

## DECLARATION OF EMERGENCY

### Department of Insurance Office of the Commissioner

#### Emergency Rule 35—Healthcare Coverage for Louisiana Families Protection Act (LAC 37:XIII.Chapter 167)

The Department of Insurance hereby exercises the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), as further specified by R.S. 22:11.1, and pursuant to the authority granted by R.S. 22:1 et seq., adopts Emergency Rule 35, which adopts initial administrative rules pursuant to the Healthcare Coverage for Louisiana Families Protection Act. This Emergency Rule shall be in effect for the maximum period allowed under the Administrative Procedure Act.

Emergency Rule 35 is issued pursuant to the authority specified in Act 412 of the 2019 Regular Legislative Session permitting adoption of initial administrative rules without a finding that an imminent peril to the public health, safety, or welfare exists. The Emergency Rule 35 will provide predictability and stability for participants in the non-grandfathered individual and small group insurance market in the event the provisions of the Healthcare Coverage for Louisiana Families Protection Act, R.S. 22:1121 et seq., become effective. The adoption of this Emergency Rule is necessary to permit issuers to prepare for future requirements while also maximizing the time permitted for relevant legal developments under the framework provided by R.S. 1121 et seq.

Therefore, Emergency Rule 35 is issued and shall apply to all health insurance issuers and health maintenance organizations doing business in Louisiana and/or regulated by the Commissioner of Insurance.

Emergency Rule 35 is available on the Internet at [www.lds.state.la.us](http://www.lds.state.la.us) and is available for inspection between the hours of 8 a.m. and 4:30 p.m. at the Louisiana Department of Insurance, 1702 N. Third Street, Baton Rouge, LA 70802.

#### Title 37

#### INSURANCE

#### Part XIII. Regulations

#### Chapter 167. Healthcare Coverage for Louisiana Families Protection Act

#### §16701. Purpose and Applicability

A. The purpose of Emergency Rule 35 is:

1. To define essential health benefits and required levels of coverage and to establish annual limitations on cost sharing pursuant to R.S. 22:11.1 and 22:1128.

2. To provide for compliance with the remaining provisions of Act 412 of the 2019 Regular Legislative Session.

B. This Emergency Rule applies to all health insurance policies, contracts or certificates and includes all accident and health products and health maintenance organization products that are issued on or after the effective date of this Emergency Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.1, and the Administrative Procedure Act, R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

### **§16703. Definitions**

A. As used in this Emergency Rule, these words and terms have the following meanings, unless the context clearly indicates otherwise.

*AV*—the actuarial value of the plan as established by the U.S. Department of Health and Human Services (HHS) for benefit year 2019 and calculable from the AV Calculator developed and made available by HHS for benefit year 2019.

*Issuer*—health insurance issuer or health maintenance organization.

*Health Plan*—health insurance policies, contracts or certificates issued by an issuer.

*Healthcare Service*—services, items, supplies, or drugs for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.1, and the Administrative Procedure Act, R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

### **§16705. Essential Health Benefits Package**

A. The essential health benefits package required under R.S. 22:1128 means the scope of covered benefits and associated limits of a health plan offered by an issuer that provides at least the ten statutory categories of benefits, as described in paragraph B of this section, and that provides coverage sufficient to meet the benchmark established through the Essential Health Benefits benchmark plan provided by 45 CFR 156.20 et. seq. for health plans offered in the State of Louisiana for the calendar year 2019.

B. As required under R.S. 22:1128, coverage shall include at least the following categories of benefits:

1. ambulatory patient services;
2. emergency services;
3. hospitalization;
4. maternity and newborn care;
5. mental health and substance use disorder services, including behavioral health treatment;
6. prescription drugs;
7. rehabilitative and habilitative services and devices;
8. laboratory services;
9. preventive and wellness services and chronic disease management;

10. pediatric services, including oral and vision care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.1, and the Administrative Procedure Act, R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

### **§16707. Levels of Coverage**

A. General requirements for levels of coverage. Levels of coverage are determined by the AV of a health plan, with an allowance for a *de minimis* variation as specified in §16407.C.

B. The levels of coverage are:

1. a bronze health plan is a health plan that has an AV of 60 percent;
2. a silver health plan is a health plan that has an AV of 70 percent;
3. a gold health plan is a health plan that has an AV of 80 percent;
4. a platinum health plan is a health plan that has an AV of 90 percent.

C. *De Minimis* Variation. The allowable variation in the AV of a health plan that does not result in a material difference in the true dollar value of the health plan is -4 percentage points and +2 percentage points, except if a bronze health plan either covers and pays for at least one major healthcare service, other than preventive healthcare services, before the deductible or meets the requirements to be a high deductible health plan within the meaning of 26 U.S.C. 223(C)(2), in which case the allowable variation in AV for such plan is -4 percentage points and +5 percentage points.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.1, and the Administrative Procedure Act, R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

### **§16709. Limits on Cost Sharing**

A. The annual limitation on cost sharing shall be that established in the most current published HHS Notice of Benefit and Payment Parameters pursuant to 84 FR 17454 (April 25, 2019) and any successor HHS Notice of Benefit and Payment Parameters

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.1, and the Administrative Procedure Act, R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

### **§16711. Issuers' Compliance with Act 412 of the 2019**

#### **Regular Legislative Session**

A. All health insurance issuers and health maintenance organizations are required to comply with Act 412 of the 2019 Regular Legislative Session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.1, and the Administrative Procedure Act, R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

### **§16713. Severability**

A. If any section or provision of Emergency Rule 35 or the application to any person or circumstance is held to be invalid, such invalidity or determination shall not affect other Sections or provisions or the application of Emergency Rule 35 to any persons or circumstances that can be given effect without the invalid Section or provision or application, and for these purposes the Sections and provisions of Emergency Rule 35 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.1, and the Administrative Procedure Act, R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

### **§16715. Effective Date**

A. Emergency Rule 35 shall become effective immediately upon signature of the Commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.1, and the Administrative Procedure Act, R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

James J. Donelon  
Commissioner

2001#008

## **DECLARATION OF EMERGENCY**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

#### **2019 Commercial and Recreational Lane Snapper Season Closure**

Louisiana's commercial and recreational lane snapper season was previously opened on January 1, 2019. The regional administrator of NOAA Fisheries has informed the secretary that the 2019 commercial and recreational seasons for the harvest of lane snapper in the federal waters of the Gulf of Mexico will close December 13, 2019. Data indicate that the 2019 annual catch limit of 301,000 pounds has been reached. Compatible season regulations in state waters are preferable to provide effective rules and efficient enforcement for the fishery, and to prevent overfishing of the species in the long term.

In accordance with the emergency provisions of R.S. 49:953, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary by the commission in LAC 76:VII.335.G.5 to modify opening and closing dates of any commercial or recreational reef fish seasons in Louisiana state waters when he is informed by the regional administrator of NOAA Fisheries that the seasons have been closed in adjacent federal waters, the secretary hereby declares:

The seasons for the commercial and recreational harvest of lane snapper in Louisiana state waters shall close at 12:01 a.m. on December 13, 2019 and shall remain closed until the start of the 2020 recreational and commercial seasons, currently scheduled to open on January 1, 2020. Effective with this closure, no person shall recreationally harvest or possess lane snapper whether within or without Louisiana waters. Furthermore, no person shall commercially harvest, possess, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell lane snapper whether within or without Louisiana waters. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing lane snapper taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

Jack Montoucet  
Secretary

2001#005

## **DECLARATION OF EMERGENCY**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

#### **Shrimp Season Closure in Portions of State Inside Waters**

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that average white shrimp size within these waters to be closed is smaller than the

minimum possession count and this action is being taken to protect these small white shrimp and provide opportunity for growth to larger and more valuable sizes. R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) per pound except during the time period from October fifteenth through the third Monday in December.

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the Department of Wildlife and Fisheries the powers, duties and authority to set shrimp seasons; and in accordance with a Declaration of Emergency adopted by the commission on August 1, 2019, which authorizes the secretary of the department to close the fall inshore shrimp season when biological and technical data indicate the need to do so or if enforcement problems develop, the secretary does hereby declare:

The 2019 fall inshore shrimp season shall close on December 16, 2019, at official sunset, except for the following inside waters located east of the Mississippi River: Lake Pontchartrain, Chef Menteur and Rigolets Passes, Lake Borgne, Mississippi Sound, Mississippi River Gulf Outlet (MRGO), a section of the Gulf Intracoastal Waterway (GIWW) in Orleans Parish from the GIWW East Closure Sector Gate westward to the GIWW intersection with the Inner Harbor Navigation Canal, and the open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2.

Existing data do not currently support shrimping closures in additional state inside and outside waters. However, historic data suggest additional closures may be necessary and the department will continue monitoring shrimp populations in these waters. Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Jack Montoucet  
Secretary

2001#004

## **DECLARATION OF EMERGENCY**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

#### **Shrimp Season Closure in Portions of State Outside Waters**

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that average white shrimp size within these waters to be closed is smaller than the minimum possession count and this action is being taken to protect these small white shrimp and provide opportunity for growth to larger and more valuable sizes. R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) per pound except during the time period from October 15 through the third Monday in December.

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the Department of Wildlife and Fisheries the powers, duties and authority to set shrimp seasons; and in accordance with a Declaration of Emergency adopted by the commission on August 1, 2019, which authorizes the secretary of the department to close shrimp season in all or parts of state outside waters when biological and technical data indicate the need to do so or if enforcement problems develop, the secretary does hereby declare:

The 2019 shrimp season shall close on January 6, 2020, at official sunset, in portions of state outside waters between Caillou Boca and Freshwater Bayou Canal. The eastern boundary line originates on the northwest shore of Caillou Boca at 29 degrees 02 minutes 46 seconds north latitude, -90 degrees 50 minutes 27 seconds west longitude and ends at a point on the three-mile line as described in R.S. 56:495(A) at

28 degrees 59 minutes 30 seconds north latitude, -90 degrees 51 minutes 57 seconds west longitude. The western boundary line originates on the western shore of Freshwater Bayou Canal at 29 degrees 32 minutes 03 seconds north latitude, -92 degrees 18 minutes 33 seconds west longitude and ends at a point on the three-mile line as described in R.S. 56:495(A) at 29 degrees 29 minutes 02 seconds north latitude, -92 degrees 19 minutes 34 seconds west longitude.

Existing data do not currently support shrimping closures in additional state inside and outside waters. However, historic data suggest additional closures may be necessary and the department will continue monitoring shrimp populations in these waters. Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Jack Montoucet  
Secretary

2001#013

# Rules

## RULE

### Department of Agriculture and Forestry Office of Forestry

#### Logos for State Products (LAC 7:V.2901, 2903, and 2905)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:1652, the Department of Agriculture and Forestry (department) has amended LAC 7:V.2901, 2903 and 2905 in order to create standards for the use of new logos for Certified Louisiana Craft Beverage and Certified Louisiana Farm to Table designations. This Rule is hereby adopted on the day of promulgation.

## Title 7

### AGRICULTURE AND ANIMALS

#### Part V. Advertising, Marketing and Processing

##### Chapter 29. Logos for State Products

###### §2901. Purpose; Definitions

A. This Chapter is adopted pursuant to R.S. 3:4721 et seq., and shall govern the department's logo program.

B. For purposes of this Chapter, the following terms shall have the meaning hereafter ascribed to them, unless the context clearly indicates otherwise:

*Commissioner*—the commissioner of the Louisiana Department of Agriculture and Forestry.

*Department*—the Louisiana Department of Agriculture and Forestry.

*License*—written authorization from the Louisiana Department of Agriculture and Forestry for the non-exclusive use of the logo.

*Licensee*—applicant who applied to the department for a license to use the logo(s) and whose application was approved.

*Logo*—the logos adopted by the department pursuant to R.S. 3:4721 to promote products made, grown, manufactured, processed, produced or substantially transformed in the state of Louisiana. The logos include:

- a. certified Louisiana;
- b. certified Louisiana Cajun;
- c. certified Louisiana Creole;
- d. certified Louisiana Farm to Table; and
- e. certified Louisiana Craft Beverage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4721.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:393 (March 2016), repromulgated LR 42:540 (April 2016), amended LR 44:440 (March 2018), LR 46:10 (January 2020).

###### §2903. Eligibility

A. The department shall have sole discretion to determine whether an agricultural product, restaurant or agritourism activity is eligible to be labeled with one of the certified logos. To be eligible, a company must possess and be in compliance with all applicable state and federal permits, licenses and laws.

B. In order for an agricultural product to be eligible for inclusion in the logo program, it must be made, grown, manufactured, processed, produced or substantially transformed in the state of Louisiana.

C. In order for an agricultural product to be eligible to use the certified Louisiana Creole logo, at least 50 percent of the product must be made, grown, produced, manufactured, processed or packed in Louisiana.

D. In order for an agricultural product to be eligible to use the certified Louisiana Cajun logo, the product must be representative of the culture that is generally of Acadian descent and be at least 50 percent of the product must be made, grown, produced, manufactured, processed or packed in Louisiana.

E. In order for an agricultural product to be eligible to use certified Louisiana Farm to Table logo, the product must be produced and sourced as locally as possible, within Louisiana and or less than 200 miles from its origin, which means going directly from the farm to the table.

F. In order for a craft beverage product to be eligible to use the certified Louisiana Craft Beverage logo, the product must be crafted, bottled, brewed, vinified and/or distilled in the state of Louisiana. The use of this logo shall be applicable to beer, wine, spirits, and craft beverages.

G. In order for a restaurant to be eligible to use the certified Louisiana Farm to Table logo, a majority of the restaurant's raw and value added products shall be produced and sourced as locally as possible, within Louisiana and or less than 200 miles from its origin, which means going directly from the farm to the table.

H. In order for an establishment that serves alcoholic beverages to be eligible to use the certified Louisiana Craft Beverage logo, the establishment must serve at least one certified Louisiana Craft Beverage beer, wine, and spirit on a regular basis. If an establishment that serves alcoholic beverages does not serve all three categories (beer, wine, and spirits), it must serve at least three certified Louisiana Craft Beverages from the categories that it does serve in order to be eligible to use the Louisiana Craft Beverage logo.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4721.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:393 (March 2016), repromulgated LR 42:540 (April 2016), amended LR 44:440 (March 2018), LR 46:10 (January 2020).

###### §2905. Application Process and Product Verification

A. Applications for use of the logos shall be made in writing on a form prescribed by the department or by completing an online application on the department's website.

B. In order for a product to be eligible for inclusion in the logo program, it must be made, grown, manufactured, processed, produced or substantially transformed in the state of Louisiana.

C. In order for a product to be eligible to use the certified Louisiana Creole logo, at least 50 percent of the product must be made, grown, produced, manufactured, processed or packed in Louisiana.

D. In order for an agricultural product to be eligible to use the certified Louisiana Cajun logo, the product must be representative of the culture that is generally of Acadian descent and be at least 50 percent of the product must be made, grown, produced, manufactured, processed or packed in Louisiana.

E. In order for a restaurant to be eligible to use the certified farm to table logo, a majority of the restaurant's raw and value added products shall be produced and sourced as locally as possible, within Louisiana and or less than 200 miles from its origin, which means going directly from the farm to the table.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4721.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:393 (March 2016), repromulgated LR 42:540 (April 2016), amended LR 44:441 (March 2018), LR 46:10 (January 2020).

Mike Strain, DVM  
Commissioner

2001#059

## **RULE**

### **Department of Children and Family Services Division of Child Welfare**

#### **Adoption Subsidy Program and Adoption Petition Program (LAC 67:V.4901, 4903, 5101, 5103, and 5105)**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953 (A), the Department of Children and Family Services (DCFS), proposes to amend LAC 67:V, Subpart 6 Adoptions, Chapter 49 Adoption Subsidy Program, Sections 4901 and 4903 and Chapter 51, Adoption Petition Program, Sections 5101, 5103, and 5105.

The amendment will allow the department to extend the adoption subsidy support to children who exited foster care to a subsidized adoption and who continue to be under the care and responsibility of the adoptive parent after reaching age 18 and who meet the same eligibility criteria as children eligible for the department's Extended Foster Care Program by facilitating the expenditure of IV-E funds for extended foster care services to the estimated 20 children who are currently eligible for these adoption subsidy services initiated after their sixteenth birthday as specified in Act 649 of the Regular Session of the Louisiana Legislature. This Rule is hereby adopted on the day of promulgation and is effective February 1, 2020.

#### **Title 67**

#### **SOCIAL SERVICES**

#### **Part V. Child Welfare**

#### **Subpart 6. Adoptions**

#### **Chapter 49. Adoption Subsidy Program**

#### **§4901. Subsidizing the Adoption of Children with Special Needs**

##### **A. Overview of Program Purpose**

1. The Subsidized Adoption Program enables the Department of Children and Family Services to make payments to adoptive parents on behalf of a child who otherwise might not be adopted because of special needs or

circumstances. Subsidy payments shall be limited to a child(ren) for whom adoption is indicated but placement through existing resources is unavailable because of the child's physical or mental condition, race, age, membership in a sibling group which should not be separated, or other serious impediments or special needs. The adoption subsidy applies to a special needs child for whom the Department of Children and Family Services holds full and permanent custody prior to the adoptive placement or to a special needs child, SSI or AFDC eligible, for whom a private nonprofit agency holds custody and to nonrecurring adoption expenses only for special needs children who are adopted independently. The adoption subsidy may be extended for children who were adopted from foster care and initially began receiving the subsidy after age 16, but prior to age 18, if the adoptive parents remain financially responsible for the child, and the child meets the same eligibility criteria as children eligible for the department's Extended Foster Care program. No child may have an adoption subsidy initiated for the first time after age 18. The adoption laws of the state of Louisiana shall be adhered to, and the granting of a subsidy shall not affect the legal status of the child nor the rights and responsibilities of the adoptive parents.

2. The prospective adoptive family must meet basic adoption eligibility requirements in all respects except for the ability to assume complete financial responsibility for the child's care.

B. Types of Subsidy. The child may be subsidized for the following services up to age 18, or up to age 21 if eligible for an extension of the adoption subsidy.

1. Maintenance. The maintenance subsidy includes basic living expenses such as board, room, clothing, spending money, and ordinary medical and dental costs. The maintenance supplement may be ongoing, but must be renewed on a yearly basis. An extension of an adoption subsidy for youth who have turned 18 must be reviewed quarterly to ensure ongoing eligibility, but only needs to be renewed annually as long as eligibility criteria continue to be met. The amount of payment shall not exceed 80 percent of the state's regular foster care board rate based on the monthly flat rate payments for the corresponding age group. Changes in the maintenance subsidy rate care may occur once a year and the adjustment is made at the time of a change in the child's age group. The monthly maintenance shall not be based on specialized foster care arrangements such as subsidized foster care, alternate family care, or therapeutic foster care.

##### **2. Special Board Rate**

a. Foster parents adopting a foster child for whom a special board rate was received may request up to a maximum of 80 percent of the special board rate amount of \$300. This includes adoptive parents who were not previously certified as the child's foster parent(s), if the care and needs of the child in the adoptive home warrant this same special board rate. Therefore, under the Adoption Subsidy Program, the special board component for these type homes shall not exceed \$240. The continued need for the special board rate shall be reviewed at the time of the annual review for children under age 18. At age 18, the extension of an adoption subsidy shall be reviewed a minimum of quarterly.

b. For the child placed in a Subsidized Foster Home, Alternate Family Care facility, or a Therapeutic Family Care

facility, the maximum amount of the special board component of the adoption subsidy shall not exceed \$258. This amount equals the Flexible Family Fund (monitored by the Office for Citizens with Developmental Disabilities and the Office of Behavioral Health and administered by the 10 human service districts/authorities) authorized for the care of children with severe emotional disturbance or severe intellectual/developmental disabilities who are in their own homes.

B.3. - B.3.a.i. ...

ii. psychiatric, or psychological expenses, special equipment, prosthetic devices, or speech therapy;

iii. - C. ...

C.1. Before a child is certified by the Division of Child Welfare as eligible for a subsidy, resources for adoptive placement without such benefits must be explored by the adoption worker. This will include recruitment of adoptive parents, registrations for a reasonable period on state, regional, and/or national adoption resources exchanges, and referral to appropriate specialized adoption agencies.

C.2. - D.1. ...

a. The income scale determining eligibility for the non IV-E maintenance subsidy shall be utilized by the Department of Children and Family Services, Division of Child Welfare to determine eligibility for non IV-E benefits. The scale is based on 60 percent of Louisiana's median income for a family of four, adjusted for family size as published by the U.S. Department of Health and Human Services. Figures in the column on the left refer to the number of family members, including the adoptive child(ren). Figures in the column on the right refer to family gross income. Persons living in the household who are not dependent on the adoptive family's income even though related, are not counted. Families whose income falls below the figures in the right column may apply for subsidy.

b. The Division of Child Welfare, Adoption Subsidy Program, will determine the appropriateness of subsidy benefits, the type of subsidy, and the level of the subsidy. An agreement form between the Division of Child Welfare and the prospective adoptive parents with clearly delineated terms must be signed prior to the granting of the final decree.

c. Income Chart

Family Size	Gross Annual Income
1 person	\$23,371
2 persons	\$30,562
3 persons	\$37,753
4 persons	\$44,944
5 persons	\$52,135
6 persons	\$59,326
7 persons	\$60,674
8 persons	\$62,022
9 persons	\$63,371
10 persons	\$64,719
11 persons	\$66,067
12 persons	\$67,416
13 persons	\$68,764
14 persons	\$70,112

d. For each additional family member above six persons, add three percentage points to the percentage for a six-person household (132 percent), and multiply the new percentage by 60 percent of the state's estimated median income for a four-person household.

2. IV-E Placements. Federal regulations prohibit the use of an income eligibility requirement (means test) for prospective adoptive parents in determining the availability of payments or other types of adoption assistance. The eligible child who has met the "special needs" requirements in Section 473(c) of the Social Security Act will be eligible for payments and other types of services and assistance under the Title IV-E Adoption Assistance Program. Parents with whom such a child is placed for adoption are eligible to receive Title IV-E payments and other assistance on behalf of that child, under an agreement with the state agency.

3. A child adopted from foster care after age 16 but prior to age 18 and receiving an adoption subsidy already may be allowed an extension of the adoption subsidy if requested by the family for the adoptive family to continue receiving the adoption subsidy payments on behalf of the child after the child turns 18 and up to age 21 as long as the family retains financial responsibility for the child, the child meets the same eligibility criteria as children eligible for the department's Extended Foster Care program and all other eligibility criteria for the original subsidy remain in effect. Ongoing eligibility must be reassessed by DCFS/CW quarterly, but renewal of the subsidy only completed annually. If notified by the family the child and family are no longer eligible or interested in receiving the extended subsidy; or, if at reassessment it is determined the child and family are no longer eligible for the extended subsidy, the subsidy shall be ended immediately.

E. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1790-1792 and P.L. 96-272 (Title IV-E).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Human Development, LR 4:388 (October 1978), repealed by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), promulgated and amended LR 18:966 (September 1992), amended by the Department of Children and Family Services, Division of Child Welfare, LR 46:11 (January 2020), effective February 1, 2020.

#### **§4903. Nonrecurring Expenses in Adoptions**

A. The Division of Child Welfare sets forth criteria for reimbursement of nonrecurring expenses associated with the adoption of children with special needs.

1. The amount of the payment made for nonrecurring expenses of adoption shall be determined through agreement between the adopting parent(s) and the Division of Child Welfare. The agreement must indicate the nature and amount of the nonrecurring expenses to be paid.

2. - 3. ...

4. To be eligible, the child must meet the criteria previously established by the Division of Child Welfare to be designated as a "child with special needs". Furthermore, the child must have been placed for adoption in accordance with applicable state laws.

5. - 6. ...

7. Reimbursement is limited to costs incurred by or on behalf of adoptive parents that are not otherwise reimbursed from other sources. Payments for nonrecurring expenses shall be made directly by the Division of Child Welfare.

8. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 1356, as published in the Federal Register on December 14, 1988, Section 1711 of the Tax Reform Act of 1986 as it relates to the Adoption Assistance Program under Title IV-E, and Act 345 of the 1990 Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 17:386 (April 1991), amended by the Department of Children and Family Services, Division of Child Welfare, LR 46:12 (January 2020), effective February 1, 2020.

#### **Chapter 51. Adoption Petition Program**

##### **§5101. Certificate of Adoption in Private Adoptions**

A. - C.2.b. ...

c. Attorneys representing prospective adoptive couples living in Louisiana for private adoptions must request the court having jurisdiction to order a Louisiana child abuse/neglect records check from the Division of Child Welfare's Regional Office for the parish of residence of the prospective adoptive couple with the results of said check to be submitted in writing to the court. The court order shall be sent to the attention of the Adoption Petition Unit.

d. The mailing addresses of the regional offices of the Division of Child Welfare where this form may be obtained are as follows:

i. Greater New Orleans;

(a). Jefferson District, Box 10009, Jefferson, LA, 70181;

(b). Orleans District, Regional Office, 1450 Poydras Street, Suite 1600, New Orleans, LA, 70112;

ii. Baton Rouge Regional Office, Box 3318, Baton Rouge, LA 70821;

iii. Lafayette Regional Office, 825 Kaliste Saloom Rd, Lafayette, LA 70508;

iv. Lake Charles Regional Office, Box 1486, Lake Charles, LA 70602;

v. Alexandria Regional Office, Box 8557, Alexandria, LA 71306;

vi. Shreveport Regional Office, 1525 Fairfield Avenue, Shreveport, LA 71101-4388;

vii. Monroe Regional Office, Box 3047, Monroe, LA 71210;

viii. Thibodaux Regional Office, 1416 Tiger Drive, Thibodaux, LA 70301;

ix. Covington Regional Office, 351 Holiday Blvd., Covington, LA 70433.

C.2.e. - f. ...

D. The Department of Children and Family Services, Division of Child Welfare in carrying out the duties as detailed in the Children's Code, Title XII, Chapter 10, Article 1229 (A) shall include in the report to the court a copy of the Certificate of Adoption for the prospective adoptive couple or report to the court in writing that no Certificate of Adoption has been obtained in accordance with the Louisiana Children's Code.

AUTHORITY NOTE: Promulgated in accordance with the Children's Code, Title XII, Chapter 2.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:747 (July 1992), amended by the Department of Children and Family

Services, Division of Child Welfare, LR 46:13 (January 2020), effective February 1, 2020.

##### **§5103. When the Petitioner Is the Stepparent of the Adoptee**

A. DCFS/CW shall no longer provide a full investigation and court report in stepparent adoptions unless so ordered by the court. Henceforth, adoption petition workers shall investigate stepparent adoptions only to the extent necessary. The investigation shall:

A.1. - B.2.b.vi. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:427.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Human Development, Division of Evaluation and Services, LR 10:342 (April 1984), amended by the Department of Children and Family Services, Division of Child Welfare, LR 46:13 (January 2020), effective February 1, 2020.

##### **§5105. Intercountry Adoptions**

A. The Department of Children and Family Services, Division of Child Welfare, hereby adopts Intercountry Adoptions Policy. This policy authorizes certain consenting licensed private child placing agencies to conduct and certify the validity of home studies; to contract with qualified professionals to complete home studies; and to certify the validity of home studies completed by professionals under contract with them to complete home studies; certifying to the U.S. Immigration and Naturalization Service that the Louisiana prerequisite of a valid home study has been completed as required before an intercountry adoption can be consummated.

AUTHORITY NOTE: Promulgated in accordance with the United States Immigration and Nationality Act of 1952, as amended (Title 8, U.S.C. aliens and nationality).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Human Development, LR 7:408 (August 1981), amended by the Department of Children and Family Services, Division of Child Welfare, LR 46:13 (January 2020), effective February 1, 2020.

Marketa Garner Walters  
Secretary

2001#034

#### **RULE**

##### **Department of Children and Family Services Division of Child Welfare**

State Central Registry (LAC 67:V.1103)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), the Department of Children and Family Services (DCFS) has amended LAC 67:V, Subpart 3, Child Protective Services, Chapter 11, Section 1103.

Pursuant to R.S. 40:2008.10, information on individuals listed on the State Central Registry will be released for therapeutic group homes licensed or applying for licensure by the Louisiana Department of Health (LDH). The



information will be released in accordance with the rule and upon receipt of a written request containing the individual's consent, and payment of the SCR clearance fee. This Rule is hereby adopted on the day of promulgation and is effective February 1, 2020.

**Title 67**  
**SOCIAL SERVICES**  
**Part V. Child Welfare**  
**Subpart 3. Child Protective Services**  
**Chapter 11. Administration and Authority**  
**§1103. State Central Registry**

A. - G.11. ...

12. DCFS will disclose to a therapeutic group home licensed by the Louisiana Department of Health (LDH), or applicant for a license from LDH, information on perpetrators of child abuse and/or neglect who are listed on the state central registry upon receipt of the \$25 fee for the clearance; and, the individual's written and signed consent for the following:

- a. any person who owns, operates or manages a licensed therapeutic group home;
- b. any person who has applied for a license to operate a therapeutic group home;
- c. any person who is employed by, is contracted by, volunteers at, or interns with a therapeutic group home;
- d. any person who has applied to be employed or contracted by a therapeutic group home;
- e. any person who has applied to volunteer or intern with a therapeutic group home.

13. The information on the SCR for the above persons may be released to the LDH as required for LDH licensure of the therapeutic group home. This release shall not apply to contractors and other individuals providing a service at the therapeutic group home who are not employees, volunteers, interns, or contracted members of the staff of the therapeutic group home, including but not limited to plumbers, landscapers, or visiting resources.

**AUTHORITY NOTE:** Promulgated in accordance with the Children's Code, title VI, articles 615 and 616 and title XII, article 1173, R.S. 14:403(H), R.S. 46:51.2(A), R.S. 46:56, R.S. 46:1414.1, 42 USC 15601 et seq., 28 CFR 115.6., 42 USC 9858f and R.S. 40:2008.10.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000), LR 31:1609 (July 2005), LR 36:838 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 42:862 (June 2016), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:998 (June 2018), effective July 1, 2018, amended LR 45:217 (February 2019), LR 46:14 (January 2020), effective February 1, 2020.

Marketa Garner Walters  
Secretary

2001#033

**RULE**

**Board of Elementary and Secondary Education**

Bulletins 111, 118 and 741  
English Language Proficiency

(LAC 28:X1.409, 4001, 5701, 7301, 7307,  
7311, 8307, 8505 and CXV.351)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education has adopted revisions to LAC 28:X1, *Accountability/Testing*, Subpart 1, *Bulletin 111—The Louisiana School, District, and State Accountability System*; LAC 28:X1, *Accountability/Testing*, Subpart 3, *Bulletin 118—Statewide Assessment Standards and Practices*; and LAC 28:XXV, *Bulletin 741—Louisiana Handbook for School Administrators*. The amendments clarify English Language Proficiency Test (ELPT) assessment procedures, including exit criteria for English learners with disabilities and the role of the Individualized Educational Program (IEP) team in the decision-making process; procedures for requesting ELPT accommodations and exemptions; and ELPT weighting for purposes of calculating a Grade 9-12 Assessment Index. The amendments also establish a standardized process for identifying English learners as required by federal law and Louisiana's approved Every Student Succeeds Act (ESSA) state plan. Finally, the amendments delineate LEA obligations to identify and serve English learners in accordance with federal law. This Rule is hereby adopted on the day of promulgation.

**Title 28**  
**EDUCATION**

**Part XI. Accountability/Testing**  
**Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System**  
**Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations**  
**§409. Calculating a 9-12 Assessment Index**  
**[Formerly LAC 28:LXXXIII.409]**

A. - B.3.a. ...

b. For students first identified in kindergarten through fifth grade, consider the initial ELPT proficiency level and number of years identified using the following table.

\* \* \*

c. - d. ...

4. The level of progress on the ELPT assessment shall be included in the high school assessment index for each English learner according to the following table.

\* \* \*

5. Weight each ELP index score by two.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 and 17:10.1.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 33:252 (February 2007), LR 36:1989 (September 2010), LR 37:2118 (July 2011), repromulgated LR 37:2382

(August 2011), amended LR 37:3200 (November 2011), LR 38:1212 (May 2012), LR 38:2357 (September 2012), LR 38:3106 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 40:1314 (July 2014), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 44:448 (March 2018), LR 45:222 (February 2019), LR 46:14 (January 2020).

#### **Chapter 40. Definitions Related to English Proficiency §4001. Proficient in English**

##### **[Formerly LAC 28:LXXXIII.4001]**

A. To be considered English proficient and exit English learner (EL) status, an EL student must score level 4 (early advanced) or level 5 (advanced) on all four ELPT domains:

1. - 4. ...

B. In order for a student to receive an approval for exemption from one or more than one domains, schools must submit an official request, including documentation for the request, no later than 30 days prior to the opening of the testing window.

C. Accommodations for the English Language Proficiency Test (ELPT) should be documented on a student's Individual Education Plan (IEP), Individual Academic Plan (IAP), or English Learner (EL) Checklist no later than 30 days prior to the opening of the testing window.

D. Students with disabilities who are unable to meet the above exit criteria after four years or more in EL status, and

whose disability impacts language acquisition may be reclassified and exempt from future ELPT participation, but will be required to take statewide assessments. In such cases, the IEP team determines that the student's disability directly impacts language acquisition; then, the student's reclassification and exit is decided by consensus of the members of the School Building Level Committee (SBLC). Students with significant cognitive disabilities who meet the participation criteria for LEAP Connect may be reclassified and exited sooner until such time as an alternate ELPT is available.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 and 17:10.1.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 30:767 (April 2004), amended LR 33:254 (February 2007), LR 34:2552 (December 2008), LR 36:2243 (October 2010), LR 38:3115 (December 2012), LR 44:460 (March 2018), LR 46:15 (January 2020).

#### **Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices**

#### **Chapter 57. Assessment Program Overview**

#### **§5701. Overview of Assessment Programs in Louisiana [Formerly LAC 28:CXI.701]**

A. Norm-Referenced and Criterion-Referenced Testing Programs Since 1986

Name of Assessment Program	Assessment Population	Administered
<b>Kindergarten Screening</b>		
* * *		
<b>Integrated NRT/CRT</b>		
Integrated Louisiana Educational Assessment Program (ILEAP) (science and social studies)	grades 3, 5, 7	spring 2006-2017
* * *		
Louisiana Alternate Assessment-B (LAA-B) ["out-of-level" test]	Students with Individualized Education Programs (IEPs) who met eligibility criteria in grades 3-11.	spring 1999–spring 2003 (no longer administered)
English Language Proficiency Test (ELPT)	English Learners (EL) in grades K-12	Beginning spring 2018
* * *		
Academic Skills Assessment (ASA) and ASA LAA 2 form	Students pursuing a State-Approved Skills Certificate (SASC) or GED	spring 2012 (one administration only, spring 2012)

B. ....

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 and R.S. 17:24.4.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 31:1534 (July 2005), amended LR 32:235 (February 2006), LR 34:66 (January 2008), LR 34:1352 (July 2008), LR 35:218 (February 2009), LR 36:967 (May 2010), LR 37:858 (March 2011), LR 38:34 (January 2012), LR 39:74 (January 2013), LR 39:1019 (April 2013), LR 40:1319 (July 2014), LR 40:2512 (December 2014), LR 44:465 (March 2018), LR 44:2127 (December 2018), LR 46:15 (January 2020).

#### **Chapter 73. English Language Proficiency Test (ELPT)**

##### **Subchapter A. Background**

##### **§7301. Overview**

##### **[Formerly LAC 28:CXI.2301]**

A. The federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeed Act (ESSA), requires standards-based assessment of the progress of all English learners enrolled in grades kindergarten through 12 in attaining English proficiency, including a student's level of comprehension, speaking, listening, reading, and writing skills in English.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 and 20 USCS, Section 6311.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 31:1557 (July 2005), amended LR 33:259 (February 2007), LR 44:474 (March 2018), LR 46:15 (January 2020).

#### **Subchapter C. Target Population**

##### **§7307. Participation Criteria**

##### **[Formerly LAC 28:CXI.2307]**

A. English Learners (ELs) are to be identified through a two-step standardized process.

1. Upon enrollment in school, parents or custodians are provided with a Home Language Survey (HLS) designed to identify which students are potential English Learners and therefore require an assessment of their English language proficiency.

2. If an assessment is required, LEAs must administer the English Language Proficiency Screener (ELPS), which assesses proficiency in all 4 language domains (speaking, listening, reading, and writing) within 30 days of the student's enrollment to determine if he or she is eligible for English Learner status. If a student is determined to be less than

proficient in any of the four language domains, the student must be classified an English Learner.

B. *English Learner* definition. A student identified as an English learner must:

1. be between the age of 3 through 21;
2. be enrolled in an English-speaking elementary school or secondary school;
3. not have been born in the United States or has a native language other than English; and
4. have difficulties in speaking, reading, writing, or understanding the English language such that such challenges may be sufficient to deny them:
  - a. the ability to meet the state's proficient level of achievement on state assessments;
  - b. the ability to successfully achieve in classrooms where the language of instruction is English; or
  - c. the opportunity to participate fully in society.

C. A student identified as an English learner may be:

1. A Native American, Alaska Native, or a native resident of the outlying areas and comes from an environment where a language other than English has had significant impact on his or her level of English language proficiency; or
2. Be migratory, having a native language other than English, and come from an environment where a language other than English is dominant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:259 (February 2007), amended LR 44:474 (March 2018), LR 46:16 (January 2020).

#### **Subchapter D. Performance Levels and Proficiency Standards**

##### **§7311. Proficiency Standards**

**[Formerly LAC 28:CXL.2311]**

A. Performance standards for English proficiency in listening, speaking, reading, and writing tests are finalized in scaled-score form. The scaled-score ranges vary per grade and grade band.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:260 (February 2007), amended LR 34:2556 (December 2008), repromulgated LR 35:61 (January 2009), LR 44:474 (March 2018), LR 46:16 (January 2020).

#### **Chapter 83. Assessment of Special Populations**

##### **§8307. English Language Learners**

**[Formerly LAC 28:CXL.3307]**

A. All EL must participate in statewide assessments. EL qualify for accommodations. Test accommodations must not be different from or in addition to the accommodations provided in the classroom during instruction and assessment and must not compromise test security or confidentiality. Accommodations must be documented on an EL accommodation form.

B. English learner—an individual:

1. - 6.c. ...

C. Approved Accommodations for English learners

1. - 1.a. ...

b. Provision of English/Native Language Word-to-Word Dictionary (No Definitions). English Learners may use either a standard or an electronic English/native language word-to-word dictionary, without definitions, on all sessions of the test.

C.1.c. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:1941 et seq., and R.S. 17:24.4(F)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1562 (July 2005), amended LR 32:240 (February 2006), LR 33:264 (February 2007), LR 33:1010 (June 2007), LR 36:983 (May 2010), LR 37:821 (March 2011), LR 41:616 (April 2015), LR 44:478 (March 2018), LR 46:16 (January 2020).

#### **Chapter 85. Assessment of Students in Special Circumstances**

##### **§8505. Foreign Exchange Students**

**[Formerly LAC 28:CXL.3505]**

A. ...

B. If foreign exchange students are screened and determined to be English learners, they may qualify for test accommodations provided they are used in the student's regular classroom instruction and assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:151.3 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1563 (July 2005), amended LR 34:2557 (December 2008), repromulgated LR 35:62 (January 2009), LR 38:37 (January 2012), LR 46:16 (January 2020).

#### **Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**

##### **Chapter 3. Operation and Administration**

##### **§351. English Learners**

A. LEAs must establish a written policy to provide for the placement in school and for the education of any child who is English learner.

B. English Learners (EL) definition. A student identified as an English learner must:

1. be between the age of 3 through 21;
2. be enrolled in an English-speaking elementary school or secondary school;
3. not have been born in the United States or has a native language other than English; and
4. have difficulties in speaking, reading, writing, or understanding the English language such that such challenges may be sufficient to deny them:

a. the ability to meet the state's proficient level of achievement on state assessments;

b. the ability to successfully achieve in classrooms where the language of instruction is English; or

c. the opportunity to participate fully in society.

C. A student identified as an English learner may be:

1. Native American, Alaska Native, or a native resident of the outlying areas and comes from an environment where a language other than English has had significant impact on his or her level of English language proficiency; or

2. migratory, having a native language other than English, and come from an environment where a language other than English is dominant;

D. LEAs must identify within thirty (30) days of school enrollment students in need of specialized language assistance programs. The state approved standardized entrance and exit procedures must be followed, as referenced in LAC 28:CXI.

E. Each LEA must include in its policy a plan to serve English Learners (EL), regardless of whether they have students who meet this classification enrolled. In the policy, the LEA must outline how it will:

1. implement the state-approved standardized entrance and exit procedures which include the statewide approved screener;

2. design an effective program reflective of their needs;

3. staff EL specialized language programs with certified English Learner teachers, bilingual personnel, or both;

4. align instruction of ELs to state academic content standards;

5. ensure participation in the English Language Proficiency Test (ELPT); and

6. adhere to state-approved procedures to reclassify and exit from EL status once students have met the state approved exit criteria.

F. LEAs must ensure the same standards that the U.S. Department of Education Office of Civil Rights and the U.S. Department of Justice apply when evaluating whether their chosen EL program meets the civil rights requirements.

G. In addition to offering equal access to the core curriculum, LEAs must provide ELs with equal opportunities to participate meaningfully in all programs and activities, whether curricular, co-curricular, or extracurricular.

H. The Individuals with Disabilities Education Act (IDEA) and section 504 of the Rehabilitation Act of 1973 address the rights of students with disabilities in school and other educational settings. If an EL is suspected of having one or more disabilities, the LEA must evaluate the student promptly to determine if the EL has a disability or disabilities and whether the student needs special education and related services. Evaluations for special education and related services may not be delayed because of a student's language proficiency or the student's participation in a specialized language program. A student's classification as EL cannot be the basis for determining if the student has a disability.

I. LEAs have the obligation to communicate meaningfully with parents who have limited English proficiency skills and to adequately notify them of information about any program, service, or activity called to the attention of non-EL parents. LEAs must have a process to identify parents with limited English skills and provide them with free and effective language assistance, such as translated materials or an appropriate and trained interpreter.

AUTHORITY NOTE: Promulgated in accordance with La. Const. Art. VIII §1 and §3; R.S. 17:6; R.S. 17:7; R.S. 17:111; R.S. 17:151; R.S. 17:172; R.S. 17:1941, et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:16 (January 2020).

Shan N. Davis  
Executive Director

2001#028

## RULE

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certifications and Endorsements (LAC 28:CXXXI.101)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education has adopted revisions to LAC 28:CXXXI, Bulletin 746—Louisiana Standards for State Certification of School Personnel. The amendments ensure that certification policies, adopted by BESE, and administered by the LDE, are implemented in a manner that allows for a smooth transition from old to new score requirements. These revisions further detail specific timelines and implementation dates regarding Praxis exam passing score increases and decreases. This Rule is hereby adopted on the day of promulgation.

## Title 28

### EDUCATION

#### Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

##### Chapter 1. Introduction

##### §101. Purpose

A. - B. ...

C. Certification policies are adopted and implemented in a manner, and with a timeline, that allows for a smooth transition from old to new requirements. Any certification change made by the BESE will include implementation dates to be specified at the time of recommendation to the BESE for action. In particular:

1. if the passing score for a specific PRAXIS exam increases, there will be a 12-month period from the date of adoption by the BESE to the effective date;

2. if the passing score for a specific PRAXIS exam decreases, scores achieved up to 12 months prior to the effective date adopted by the BESE will be accepted.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1782 (October 2006), amended LR 43:1290 (July 2017), LR 46:17 (January 2020).

Shan N. Davis  
Executive Director

2001#027

## RULE

### Board of Elementary and Secondary Education

Bulletin 1566—Pupil Progression Policies and Procedures Regular Placement—Summer Remediation (LAC 28:XXXIX.503, 705, 707, and 901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted revisions to *Bulletin 1566—Pupil Progression Policies and Procedures*. The amendments

remove requirement that school systems offer summer remediation to students who perform below expectations on state assessments, noting that such remediation programs may still be offered voluntarily and that all such students must be supported through individual academic improvement plans that address areas of academic weakness, in accordance with Act 394 of the 2019 Regular Legislative Session. This Rule is hereby adopted on the day of promulgation.

**Title 28  
EDUCATION**

**Part XXXIX. Bulletin 1566—Pupil Progression Policies  
and Procedures**

**Chapter 5. Placement Policies—General  
Requirements**

**§503. Regular Placement**

A. - B.1.a. ...  
b. any first-time eighth grade student who does not meet the passing standard set forth in §703 of this bulletin and any student not eligible for any waiver pursuant to §707 of this Part, may be placed on a high school campus in transitional ninth grade;

c. - e. ...

f. the following shall govern the transitional ninth grade:

i. for any student who recently completed the eighth grade and is transferring into the LEA from another state or country after summer remediation, if summer remediation is offered, the LEA shall review the student's academic record to determine appropriate placement in ninth grade or transitional ninth grade. Such placement shall occur no later than October 1 of each school year.

B.1.f.ii. - E.1.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 2000), amended LR 26:1433 (July 2000), LR 26:1576 (August 2000), LR 27:188 (February 2001), LR 27:1006 (July 2001), LR 27:1682 (October 2001), LR 29:123 (February 2003), LR 30:407 (March 2004), LR 31:1974 (August 2005), LR 31:3103 (December 2005), LR 33:2063 (October 2007), LR 34:2389 (November 2008), LR 36:2003 (September 2010), LR 40:765 (April 2014), LR 40:1332 (July 2014), LR 40:2533 (December 2014), LR 41:1271 (July 2015), LR 44:480 (March 2018), LR 44:1003 (June 2018), LR 44:2131 (December 2018), LR 46:18 (January 2020).

**Chapter 7. Promotion and Support Policy**

**§705. Supports for Students**

A. Summer Remediation

1. LEAs may offer extended, on-grade level instruction through summer remediation to students who, based on a preponderance of evidence of student learning, are considered to be academically struggling, did not take the spring LEAP tests, and failed to meet the standard set forth in §701 and §703 of this Part. The LEA shall provide transportation to and from the assigned LEAP remediation summer site(s) from, at a minimum, a common pick-up point.

2. - 3.b....

c. Repealed.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2005 (September 2010), amended LR 40:2533 (December 2014), LR 44:482 (March 2018), LR 44:1004 (June 2018), LR 46:18 (January 2020).

**§707. Exceptions to Promotion and Support Policy for  
Eighth Grade Students**

A. - A.1. ...

2. the student has participated in the spring administration of LEAP and has attended a summer remediation program offered by the LEA; and

A.3. - B.4. ...

5. the student has participated in the spring administration of LEAP and has attended a summer remediation program offered by the LEA; and

6. ...

C. AB/AB Waiver. An LEA, through its superintendent, may consider a waiver for a student who has scored at the approaching basic level on both the English language arts and mathematics components of LEAP. The LEA may grant the waiver in accordance with the local pupil progression plan provided the following criteria are met.

1. The student has attended a LEAP summer remediation program offered by the LEA.

D. - F.4.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2006 (September 2010), amended LR 40:2242 (November 2014), LR 44:482 (March 2018), LR 44:1004 (June 2018), LR 46:18 (January 2020).

**Chapter 9. Appendix  
[Formerly Chapter 11]**

**§901. Definition of Terms  
[Formerly §1101]**

A. As used in this bulletin, the terms shall be defined as follows.

1. State Terms

\* \* \*

*LEAP Summer Remediation Program*—a summer school program offered by the LEA for the specific purpose of preparing students to achieve proficiency in English language arts, mathematics, science, and/or social studies.

\* \* \*

2. - 2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2176 (November 1999), amended LR 27:190 (February 2001), LR 31:1976 (August 2005), LR 33:2064 (October 2007), amended LR 36: 2010 (September 2010), LR 44:483 (March 2018), LR 46:18 (January 2020).

Shan N. Davis  
Executive Director

2001#029

## RULE

### Board of Regents Office of Student Financial Assistance

Scholarship/Grant Programs  
Go Youth Challenge Legislation  
(LAC 28:IV.Chapter 15)

The Louisiana Board of Regents has amended the rules of the Scholarship/Grant programs [R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797.D(2)]. (SG19187R). This Rule is hereby adopted on the day of promulgation.

#### Title 28 EDUCATION

#### Part IV. Student Financial Assistance—Higher Education

#### Chapter 15. Grant Opportunity for Youth Challenge Skills Training Program

##### §1501. General Provisions

A - C. ...

D. Eligible Courses of Study. The program grant may be used to pursue any postsecondary certificate, diploma, associate, or baccalaureate undergraduate degree required to obtain employment in a high demand, high skill, high wage career.

E. Eligible Institutions. Eligible students may use the program grant at the following institutions:

1. Any Louisiana public postsecondary institution; and
2. a regionally accredited independent college or university in the state that is a member of the Louisiana Association of Independent Colleges and Universities

F. Grant Amounts. The program grant shall be paid for a period not to exceed the equivalent of two academic years in an amount:

1. equal to the actual cost of tuition for a student enrolled in a Louisiana public postsecondary institution;
2. equal to the average tuition amount paid for students attending public postsecondary institutions for a student enrolled at a regionally accredited independent college or university in the state that is a member of the Louisiana Association of Independent Colleges and Universities. See §1903.B.8 for method of computation.

G. Definitions. For the purposes of this Chapter, the following definitions are applicable.

\* \* \*

*Graduate*—a student who has completed the Louisiana GO-Youth Challenge Program and, no later than 18 months after entry into the program, received a Louisiana high school equivalency diploma or, beginning in the 2019-2020 academic year, a student who has completed the Louisiana Youth Challenge Program and, no later than 24 months after entry into the program, received a high school diploma.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:782 (April 2004), repromulgated by the Board of Regents, Office of Student Financial Assistance, LR 44:545 (March 2018), LR 46:19 (January 2020).

##### §1503. Establishing Initial Eligibility

A. - A.3. ...

4. have earned a Louisiana high school equivalency diploma or a Louisiana high school diploma; and

5. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:782 (April 2004), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:546 (March 2018), LR 46:19 (January 2020).

##### §1505. Deadline to Enroll as a Full-Time Student

A. ...

1.a. not later than the semester or term, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student graduated from the Louisiana National Guard's Youth Challenge Program; or

b. beginning in the 2020-2021 academic year, not later than the semester or term, excluding summer semesters or sessions, immediately following the fifth anniversary of the date the student graduated from the Louisiana National Guard's Youth Challenge Program; or

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:783 (April 2004), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:546 (March 2018), LR 46:19 (January 2020).

##### §1507. Maintaining Eligibility

A. - A.3. ...

4. earn at least 24 hours each academic year as defined in §301, unless granted an exception for cause; and

5. maintain a cumulative grade point average of at least 2.50 on a 4.00 scale at the end of each academic year; and

A.6. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:783 (April 2004), repromulgated by the Board of Regents, Office of Student Financial Assistance, LR 44:546 (March 2018), LR 46:19 (January 2020).

##### §1509. Responsibilities of the State Military Department (SMD)

A. The State Military Department is responsible for determining whether participants in the Louisiana Youth Challenge Program meet the eligibility requirements to participate in the program set forth in §1503.A.1-6 above. The submission of a student's data for the GO-Youth Challenge Program shall constitute a certification by the

State Military Department that the student meets the requirements of §1503.A.1-6, specified above, except that:

1. the certification shall not include the certification of residency required by §1503.A.2, if a participant does not meet the residency requirement at the time the participant is awarded a Louisiana high school equivalency certificate; and

2. the certification shall not include the certification of high school graduation required by §1503.A.4.

B. For each student determined to be eligible to participate in the program, the State Military Department shall provide the following student data in an electronic file format acceptable to LOSFA:

1. name;
2. permanent mailing address;
3. telephone number;
4. date enrolled in the Louisiana Youth ChalleNGe Program;

5. date the student completed the residential phase of the Louisiana National Guard's Youth ChalleNGe Program;

6. date received a Louisiana high school equivalency diploma;

7. students' order of merit ranking within their class; and

8. if the student does not have 24 months of Louisiana residency at the time the Louisiana high school equivalency certificate is awarded, the date of initial Louisiana residency.

C. To the extent funds are appropriated to the State Military Department to fund the program, the State Military Department shall take such actions as are necessary to promptly transfer such funds to LOSFA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:783 (April 2004), repromulgated by the Board of Regents, Office of Student Financial Assistance, LR 44:546 (March 2018), amended LR 46:19 (January 2020).

#### **§1511. Responsibilities of LOSFA**

A. - B. ...

C. LOSFA shall determine the date on which participants graduated from high school as required by §1503.A.4.

D. Upon receipt of bills from institutions submitted in accordance with §1903.B, LOSFA will reimburse the institution for each eligible student in accordance with §1903.

E. LOSFA shall conduct audits of the Louisiana Youth ChalleNGe Program campuses and postsecondary institutions to ensure compliance with program requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025 and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:783 (April 2004), repromulgated by the Board of Regents, Office of Student Financial Assistance, LR 44:547 (March 2018), amended LR 46:20 (January 2020).

Robyn Rhea Lively  
Senior Attorney

2001#035

## **RULE**

### **Office of the Governor Division of Administration Office of Community Development**

#### **Community Water Enrichment Fund—Eligibility (LAC 4:VII.2401)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and through the authority granted in LAC 4: VII. Chapter 23 and 24, the Division of Administration, Office of Community Development has amended rules to enable effective administration of the programs. This Rule is hereby adopted on the day of promulgation.

## **Title 4**

### **ADMINISTRATION**

#### **Part VII. Governor's Office**

#### **Chapter 24. Community Water Enrichment Fund §2401. Purpose**

A. ...

B. All municipalities and parishes within the State of Louisiana that are identified by HUD as non-entitlement communities are eligible to apply for assistance.

C. - E.2. ...

3. The purchase of generators or chemicals will not be allowed under this program.

4. - 6. ...

7. Three-year contracts shall be issued for CWF grants by OCD. Contract extensions and changes to the project must be requested in writing by the grantee and approved in writing by the Director of OCD/CWF.

8. No award shall be made to an entity listed on the LLA's non-compliance list.

9. Applications received after deadline established by OCD will not be considered.

AUTHORITY NOTE: Promulgated in accordance with Act 513 of the 2008 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Community Development, LR 35:951 (May 2009), amended LR 46:20 (January 2020).

Traci Watts  
Director

2001#058

## **RULE**

### **Office of the Governor Division of Administration Office of Community Development**

#### **Local Government Assistance Program (LGAP)—Eligibility (LAC 4:VII.2301)**

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and through the authority granted in LAC 4: VII. Chapter 23 and

24, the Division of Administration, Office of Community Development has amended rules to enable effective administration of the programs. This Rule is hereby adopted on the day of promulgation.

#### **Title 4**

#### **ADMINISTRATION**

#### **Part VII. Governor's Office**

#### **Chapter 23. Local Government Assistance Program**

#### **§2301. Purpose**

A. ...  
B. All municipalities and parishes within the state of Louisiana that are identified by HUD as non-entitlement communities are eligible to apply for assistance.

C. - D. ...

E. The Office of Community Development applies the following guidelines to any project or activity funded.

1. At the start of each fiscal year, the director of OCD shall determine the equal funding level for all eligible parishes based on the total amount budgeted as aid to local governments for LGAP grants.

2. ...

3. Repealed.

4. Funds from this program cannot be used to pay consulting fees charged to a unit of government for the preparation of the application, for administrative costs by agents of the project sponsor or any third party. Also, funds cannot be used to pay for previously incurred debt, improvements to private property, overtime for government employees, administration, engineering only or planning only projects, or recreation activities. LGAP funds are not intended for salary only projects or ongoing salaried positions.

5. - 6. ...

7. Three-year contracts shall be issued for LGAP grants by OCD. Contract extensions and changes to the project must be requested in writing by the grantee and approved in writing by the executive director of OCD.

8. No award shall be made to an entity listed on the LLA's non-compliance list.

9. Applications received after deadline established by OCD will not be considered.

AUTHORITY NOTE: Promulgated in accordance with Act 27 of the 2006 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Community Development, LR 32:2045 (November 2006), amended LR 46:21 (January 2020).

Traci Watts  
Director

2001#064

#### **NOTICE OF INTENT**

#### **Department of Health Board of Nursing**

Officers of the Board and Meetings of the Board  
(LAC 46:XLVII.3303 and 3307)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:917-918, that the Louisiana State Board of Nursing (LSBN) will update LAC

XLVII Chapter 33, §§3303 and 3307 by aligning the rules to the bylaws that were revised in 2017. In §3303, LSBN is revising terminology that will allow board officers to serve two years instead of one year. LSBN is defining the role and duties of the president, vice-president and alternate officer of the board. A contingency plan is provided in case of an emergency vacancy or termination of appointment of a board member by the governor while serving as an officer. In §3307, the election of board officers will take place during the first meeting of the year instead of the last meeting of the year. There has been no guarantee that the current board member(s) who served one term will be automatically granted a second term. The composition of the LSBN board has changed with the appointment of consumer members. Previously, we had nine voting members, therefore five members constituted a quorum. Today, we have 11 voting members and six members will constitute a quorum.

#### **Title 46**

#### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XLVII. Nurses: Practical Nurses and Registered Nurses**

#### **Subpart 2. Registered Nurses**

#### **Chapter 33. General**

#### **Subchapter A. Board of Nursing**

#### **§3303. Officers of the Board**

A. The officers of the board shall consist of a president, a vice-president, and an alternate officer.

B. The three officers are to be elected at the annual meeting, and are to serve for two years, or until their successors have been elected.

C. The alternate officer shall be elected to provide for the seating of a complement of officers in case of an emergency vacancy of the president or vice-president. The elected alternate shall have no official officer functions unless an emergency vacancy occurs.

D. In the event of the vacancy of the office of president, the vice-president shall serve as president and the alternate shall serve as vice-president to complete the unexpired term of office. A new alternate shall be elected at the next meeting of the board.

E. In the event of the vacancy of the office of the vice-president, the alternate shall serve as vice-president to complete the unexpired term of office. A new alternate shall be elected at the next meeting of the board.

F. The elected officers will serve as the executive committee of the board.

G. The duties of the officers shall be as follows.

1. The president shall preside at all board meetings. (S)he shall appoint all standing and special committees and respective chairs not otherwise provided for, and perform all other duties pertaining to this office. The president shall serve as ex officio member to all standing and special committees. The president may serve as a voting member of any standing and special committee for the purpose of constituting a quorum.

2. The vice-president shall serve as secretary-treasurer to the board. (S)he shall oversee the preparation of an annual budget, assisted by LSBN chief executive officer/ executive director and other staff as needed and will review financial records periodically and present a report at each regular board meeting. (S)he shall preside over all regular or special



meetings in the absence of the president or at the request of the president.

H. The officers shall direct the chief executive officer/executive director to carry out functions of the board relative to its statutory requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:914 and R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:73 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 23:962 (August 1997), LR 24:1293 (July 1998), amended by the Department of Health, Board of Nursing, LR 46:21 (January 2020).

### **§3307. Meetings of the Board**

A. Regular business meetings shall be held at a place and time designated by the board.

B. Regular meetings of the board shall be held at least bi-monthly. The annual meeting shall be held at the first regularly scheduled meeting of the calendar year.

C. Special meetings shall be called by the chief executive officer/executive director or designee at the request of the president, or upon the request of three members of the board.

D. Six members, including one officer, shall constitute a quorum of the board for the purpose of conducting business.

E. Any person wishing to have a special topic added to the agenda for a board meeting shall notify the chief executive officer/executive director, or a designee, at least 21 days prior to the meeting. Items of an emergency nature may be considered at any meeting without prior notice.

F. The chief executive officer/ executive director, or a designee, shall keep a record of all meetings and such records shall be retained as permanent records of the transactions of the board.

G. Meetings of the board for the conduct of regular business and for the formation of policy shall be open to the public in accordance with R.S. 42:4.2 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:73 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 22:104 (February 1996), LR 24:1293 (July 1998), amended by the Department of Health, Board of Nursing, LR 46:22 (January 2020).

### **Family Impact Statement**

The proposed additions and/or changes to the rules of the board, Louisiana State Board of Nursing should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. a family's earnings and budget;
5. the behavior and personal responsibility of the children; or
6. the family's ability or that of the local government to perform the function as contained in the proposed Rule.

### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will not have an impact on child, individual, or family poverty in relation to individual or community asset development as described on R.S. 49:973.

### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will not have an impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

### **Public Comments**

Interested persons may submit written comments on the proposed Rule to Karen C. Lyon, 17373 Perkins Road, Baton Rouge, LA 70810, or by facsimile to (225) 755-7585. All comments must be submitted by 5 p.m. on or before December 10, 2019.

Dr. Karen Lyon  
Executive Director

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Officers of the Board and Meetings of the Board**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will result in a one-time publication cost of \$300 for the LA State Board of Nursing (LSBN) in FY 20. The proposed rule changes will update LAC XLVII Chapter 33, Sections 3303 and 3307 by aligning the rules to the LSBN's bylaws that were revised in 2017. The proposed rule changes codify existing policies and procedures regarding board officers and meetings.

The proposed rule changes will not result in any additional costs or savings for local governmental units.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not affect revenue collections for state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes will not affect competition and employment.

Karen C. Lyon  
Executive Director  
1911#026

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**RULE**  
**Department of Health**  
**Board of Optometry Examiners**

Optometry (LAC 46:LI.301, 303, Chapter 5, and 611)

Notice is hereby given, in accordance with the Administrative Procedures Act, R.S. 49:950 et seq., that the Louisiana State Board of Optometry Examiners, pursuant to authority vested in the Louisiana State Board of Optometry Examiners by the Optometry Practice Act, R.S. 37:1041-1068, has amended Title 46, Part LI by adopting the following amendments to the rules set forth below.

A preamble which explains the basis and rationale for the intended action, and summarizing the information and data supporting the intended action has not been prepared. A description of the subjects and issues involved is as follows:

Revised §301 makes it clear that “a minimum of 9 of 12 hours must be obtained in a classroom setting in the calendar year in which an optometrist holding a controlled dangerous substance license satisfies the one-time continuing education requirement for controlled dangerous substances set forth in §303.”

Revised §301 also makes it clear that “a minimum of 13 of 16 hours must be obtained in a classroom setting in the calendar year in which an optometrist holding a controlled dangerous substance license satisfies the one-time continuing education requirement for controlled dangerous substances set forth in §303.”

New §303 makes it mandatory for any optometrist whose scope of practice is to dispense or administer controlled dangerous substances, as a condition prerequisite to licensure renewal, to successfully complete three credit hours of continuing education approved the board on controlled dangerous substances prescribing practices. The Section further provides that these credits may be obtained by an online course approved by the board. This Section is being promulgated in response to Act. No. 76, Senate Bill No. 55 of the Louisiana Legislature requiring “licensing boards that regulates practitioners with prescriptive authority in Louisiana” to “establish continuing education requirements [for controlled dangerous substances] as a prerequisite to license renewal.”

Revised Subsection 501.A makes it a violation for optometrists for failing to report adverse actions to the board within 30 days of the action.

Revised Subsection 503.I clarifies procedures for retiring a license and adds new procedures for reinstating a retired license.

New §505 adds certain requirements for valid spectacle and contact lens prescriptions. In order to be valid, a spectacle prescription must (1) contain in a legible form the name, address, telephone number and license number of the provider; (2) the name of the patient, the prescription date, refractive power and may contain information specifying the physical design; and (3) the expiration date and signature of the provider issuing the prescription. In order for a contact lens prescription to be valid it must (1) contain the name, address, telephone number and license number of the provider; and (2) the name of the patient, prescription date, brand or material, curvature and lens diameter, refractive power, and the number of lenses/boxes to be dispensed.

This Section further provides that contact lenses may not be sold or dispensed without a signed, unexpired prescription and goes on to list similar requirements for contact lens prescriptions as it does for spectacle prescriptions. This Section also provides that prescriptions for spectacles may not exceed 18 months and the prescriptions for contact lenses may not exceed 12 months (unless provider documents valid medical reason in chart for doing so) and no entity or person may fill a contact lens or spectacle prescription after the expiration date of the prescription.

This Section also provides that neither spectacle nor contact lens prescriptions may be substituted for one another and an optometrist, when filling the prescription, must keep the original prescription, copy or electronic facsimile of the original prescription and must release the prescription to the patient, if requested by the patient, unless the prescription has expired.

New §611 provides for mandatory access and review of the Prescription Monitoring Program (PMP). Prior to initially prescribing any opioid to a patient, a prescriber shall access and review the patient’s record in the PMP and if opioids are prescribed to the patient for more than 90 days the prescriber shall access and review the record in the PMP at least every 90 days. There are several exceptions to this requirement, consisting of the following: (1) the drug is prescribed to a hospice patient or any other patient who has been diagnosed as terminally ill; (2) the drug is prescribed for the treatment of cancer related chronic or intractable pain; (3) the drug is ordered or administered to a patient being treated in a hospital; (4) the PMP is not accessible or not functioning properly due to an electronic issue; or (5) no more than a single 7-day supply of the drug is prescribed or administered to a patient. Any optometrist who fails to follow this Section shall be deemed to constitute just cause for the suspension, revocation, refusal to issue or the imposition of probationary or other restrictions on any license or permit to practice optometry in Louisiana. This Section is being promulgated in response to Act. No. 76, Senate Bill No. 55 of the Louisiana Legislature. This Rule is hereby adopted on the day of promulgation.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part LI. Optometrists**

**Chapter 3. License**  
**§301. Continuing Education**

A. Each licensed optometrist shall comply with the following continuing education requirements.

1. Standard optometry license holders and diagnostic pharmaceutical certificate holders shall complete between January 1 and December 31 of each calendar year at least 12 hours of continuing education courses, of which a minimum of 10 hours must be obtained in a classroom setting, approved by the Louisiana State Board of Optometry Examiners; provided, however, a minimum of 9 of 12 hours must be obtained in a classroom setting in the calendar year in which an optometrist holding a controlled dangerous substance license satisfies the one-time continuing education requirement for controlled dangerous substances set forth in §303.

2. License holders authorized to diagnose and treat pathology and use and prescribe therapeutic pharmaceutical agents shall complete between January 1 and December 31 of

each calendar year at least 16 hours of continuing education courses, of which a minimum of 14 hours must be obtained in a classroom setting, approved by the Louisiana State Board of Optometry Examiners, and of which at least eight classroom hours shall consist of matters related to ocular and systemic pharmacology and current diagnosis and treatment of ocular disease; provided, however, a minimum of 13 of 16 hours must be obtained in a classroom setting in the calendar year in which an optometrist holding a controlled dangerous substance license satisfies the one-time continuing education requirement for controlled dangerous substances set forth in §303. Such certificate holders will be entitled to apply the CPR continuing education to their required annual continuing education, provided that such CPR continuing education shall not count toward the required eight classroom hours related to ocular and system pharmacology and current diagnosis and treatment of ocular disease, and provided further that no more than two hours of CPR continuing education may be applied to the continuing education requirement in any two calendar year periods. The eight hours of continuing education relating to ocular and systemic pharmacology and/or current diagnosis and treatment of ocular disease shall be obtained solely from the following sources:

- a. the American Optometric Association;
- b. any state optometric association affiliated with the American Optometric Association;
- c. Great Western Council of Optometry, Mountain West Council of Optometrists, North Central States Optometric Council, and Southern Council of Optometrists;
- d. the American Academy of Optometry; or
- e. schools and colleges of optometry accredited by the American Optometric Association Accreditation Council on Optometric Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:631 (April 2006), amended LR 35:1111 (June 2009), LR 38:1590 (July 2012), amended by the Department of Health, Board of Optometry Examiners, LR 44:1248 (July 2018), amended LR 46:23 (January 2020).

### **§303. Continuing Education Requirement for Controlled Dangerous Substances**

A. Scope of Rule. This rule provides for the one-time continuing education (CE) requirement for controlled dangerous substances prerequisite to license renewal of an authorized prescriber, definitions and the procedures applicable to approved/qualifying CE, credit for satisfaction, documentation, non-compliance, an exception and conflict resolution with other CE rules of this Part.

B. Definitions. As used in this §303, the following terms and phrases shall have the meanings specified.

*Authorized Prescriber*—an optometrist whose scope of practice includes authority to prescribe, dispense, or administer CDS.

*Board*—the Louisiana State Board of Optometry Examiners, as constituted under R.S. 37:1041 et seq.

*Controlled Dangerous Substances or CDS*—any substance defined, enumerated or included in federal or state statute or regulations 21 CFR. §§1308.11-.15 or R.S. 40:964, or any substance which may hereafter be designated as a controlled substance by amendment or supplementation of such regulations and statute.

#### **C. Continuing Education Requirements**

1. Notwithstanding any other provision, including, but not limited to, §301.A.1 pertaining to the requirement for obtaining a minimum of 10 hours of continuing education credit in a classroom setting, every authorized prescriber seeking the renewal of a license on and after January 1, 2019, shall, as part of the continuing education requirement by this part, and as a condition prerequisite to licensure renewal, successfully complete three credit hours of continuing education approved by the board on CDS prescribing practices, all of which may be taken through online courses approved by the board. Such continuing education shall include instruction relating to drug diversion training, best practices regarding prescribing of CDS, appropriate treatment for addiction and any other matters regarding the prescribing of CDS that are deemed appropriate by the board. The continuing education requirement may be satisfied by completing a continuing education program consisting of at least three credit hours approved by the board. Successful completion of this requirement once shall satisfy the requirement in full.

2. An optometrist with prescription authority in Louisiana for CDS shall be exempt from the continuing education requirement for renewal of his/her license to practice optometry if he/she completes and submits to the board a certification developed by the board attesting that he has not prescribed, administered or dispensed a CDS during the previous calendar year. The board shall verify the attestation of the prescriber through the prescription monitoring program. The exemption from the continuing education requirement of this subsection shall only be valid for the calendar year to which the attestation applies. If an optometrist obtains an exemption from continuing education requirements under this subsection, the optometrist with a renewed optometry license may prescribe, administer or dispense a CDS during a subsequent renewed optometry license term, but shall not be exempt from continuing education requirements for renewal of a optometry license during such period and, as such, shall obtain three hours of continuing education approved by the board on CDS prescribing practices prior to the expiration of such renewed optometry license term as provided in Paragraph 1 above.

3. Information on how to access approved, qualifying continuing education courses will be maintained by the board and made available on its website [www.laoptometryboard.com](http://www.laoptometryboard.com). No license shall be renewed for an individual who fails to comply with the provisions of this Section.

4. The continuing education hours required by this section shall be considered among the credit hours required of the prescriber by the board on and after August 1, 2017, and shall not be considered an additional requirement to be met by a prescriber.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Optometry Examiners, LR 46:24 (January 2020).

## **Chapter 5. Practicing Optometry**

### **§501. Professional Conduct**

A. The following acts or omissions constitute a failure by the optometrist to abide by the minimal standards of acceptable and prevailing optometry practice, as set forth in R.S. 37:1061(10).

1. - 6. ...

7. Failing to report to the board:

a. any adverse action taken by another licensing jurisdiction, government agency, law enforcement agency, or court; or

b. any other act, event, or occurrence required to be reported pursuant to Louisiana Revised Statute §37:1061, or that would constitute grounds for disciplinary action pursuant to this Section, which report shall be in writing and within 30 days of such adverse action, act, event or occurrence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:630 (April 2006), amended LR 35:1111 (June 2009), amended by the Department of Health, Board of Optometry Examiners, LR 46:25 (January 2020).

### **§503. License to Practice Optometry**

A. - G.6. ...

H. Participation in Student Extern Program. An optometrist may participate in student extern programs in accordance with rules and regulations promulgated from time to time by the board.

1. The level of responsibility assigned to a student extern shall be at the discretion of the supervising optometrist who shall be ultimately responsible for the duties, actions or work performed by such student extern.

2. The duties, actions and work performed by a student extern in accordance with the provisions of this §603 and §603 shall not be considered the practice of optometry without a license as set forth in R.S. 37:1061(14).

I. Retirement of License

1. Upon request by a duly licensed Optometrist whose license is in good standing, the board by rule may provide for a license holder's license to be retired. The request to have a license retired must be in writing and delivered to the board. The request for a retired license will be placed on the board agenda for consideration at the next scheduled board meeting and the effective date of retirement determined by the board will be set and may be retroactive. A person who holds a retired license may not practice optometry in any manner in Louisiana until such time the license is reactivated and current. A person holding a retired license is exempt from the continuing education requirements of §301. A violation of this section has the same effect as, and is subject to the penalties for, practicing optometry without holding a license. The holder of a retired license need not renew the retired license annually nor pay any renewal fees.

2. Re-Activation of Retired License. For an retired license to be re-activated, the license holder must pay the reinstatement fee set forth in §801.A.6 plus any and all license renewal fee(s) and comply with all continuing education requirements. To re-activate a retired license the license holder must show 16 hours of board approved continuing education for each year of retired license status. The required

continuing education may be obtained at any time during the retired status period. If the inactive license holder fails to practice optometry in any state for greater than five consecutive years from the date the license was granted retired status, an examination acceptable to the board may be required to re-activate the original license. For holders of a retired license with authorized ophthalmic surgery procedures, if the retired license holder fails to practice authorized ophthalmic surgery procedures in any state for greater than five consecutive years from the date the license was granted retired status, a recertification of advanced procedure proficiency and examination acceptable to the board may be required to re-activate the original license.

J. Inactive Status

1. Upon request by a duly licensed Optometrist whose license is in good standing, the board by rule may provide for a license holder's license to be placed on inactive status. The request to have a license be considered inactive must be in writing and delivered to the board. The request for inactive status will be placed on the board agenda for consideration at the next scheduled board meeting and the effective date of inactive status determined by the board will be set and may be retroactive. A person who holds an inactive license may not practice optometry in any manner in Louisiana until such time the license is reactivated and current. A person holding an inactive license is exempt from the continuing education requirements of Section 301. A violation of this section has the same effect as, and is subject to the penalties for, practicing optometry without holding a license. The holder of an inactive license must renew the inactive license annually and pay appropriate renewals fees to avoid revocation.

2. Re-Activation of Inactive License. For an inactive license to be re-activated, the license holder must pay the reinstatement fee set forth in §801.A.6 plus any and all license renewal fee(s) and comply with all continuing education requirements. To re-activate an inactive license the license holder must show 16 hours of board approved continuing education for each year of inactive license status. The required continuing education may be obtained at any time during the inactive status period. If the inactive license holder fails to practice optometry in any state for greater than five consecutive years from the date the license was granted inactive status, an examination acceptable to the board may be required to re-activate the original license. For holders of an inactive license with authorized ophthalmic surgery procedures, if the inactive license holder fails to practice authorized ophthalmic surgery procedures in any state for greater than five consecutive years from the date the license was granted inactive status, a recertification of advanced procedure proficiency and examination acceptable to the board may be required to re-activate the original license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:632 (April 2006), amended LR 34:873 (May 2008), LR 38:1590 (July 2012), LR 40:2250 (November 2014), repromulgated LR 40:2580 (December 2014), amended by the Department of Health, Board of Optometry Examiners, LR 44:1248 (July 2018), amended LR 46:25 (January 2020).

### **§505. Prescriptions for Eyeglasses or Contact Lenses**

A. To constitute a valid spectacle prescription, every spectacle prescription for use in correcting errors of refraction

and restoring, as near as possible, normal human vision shall contain in a legible form the name, address, telephone number and license number of the provider, the name of the patient, the prescription date, refractive power (including spherical power, cylindrical power, axis, prism, and multifocal addition power, as applicable), and may contain information specifying the physical design (i.e. base curve, material type, and other pertinent measurements such as pupillary distance). Every spectacle prescription shall contain an expiration date and the signature of the provider issuing the prescription. The expiration date may not exceed 18 months, unless the provider documents a valid medical reason in the chart for doing so.

B. Contact lenses may not be sold or dispensed without a signed, unexpired prescription. Every contact lens prescription shall contain, in a legible form, the name, address, telephone number and license number of the provider, the name of the patient, the prescription date, brand or material, curvature and lens diameter (if more than one base curve and diameter is available), refractive power (including spherical power, cylindrical power, axis, and multifocal addition power, as applicable), the number of lenses/boxes to be dispensed. An optometrist, when issuing a prescription for contact lenses, shall also include the number of refills allowed and the expiration date of the prescription. The expiration date may not exceed 12 months, unless the provider documents a valid medical reason in the chart for doing so.

C. An optometrist, when filling a prescription for eyeglasses or contact lenses, shall be required to keep the original prescription, copy, or electronic facsimile of the original prescription. An optometrist may not refuse to release to a patient a copy of the patient's prescription if requested by the patient; provided, however, an optometrist shall not be required to release a prescription that has expired.

D. A spectacle prescription shall not be construed to be or substituted for a contact lens prescription nor shall a contact lens prescription be construed to be or substituted for a spectacle prescription.

E. No owner, employer, or agent of any business establishment that buys, sells, offers to sell, dispenses, or gives away prescription or non-prescription contact lenses, or prescription spectacle lenses may fill a contact lens or spectacle prescription after the expiration date, or if the information specified in Subsections A and B of this Section is not included on the prescription.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1048.

**HISTORICAL NOTE:** Promulgated by the Department of Health, Board of Optometry Examiners, LR 46:26 (January 2020).

## **Chapter 6. Dispensation of Medication**

### **§611. Mandatory Access and Review of Prescription Monitoring Program Data; Exceptions**

A. Scope of Rule. The rules for this §611 provide for prescriber mandatory access and review of the Louisiana Prescription Monitoring Program, R.S. 40:100 et seq., as from time to time may be amended (PMP), and for exceptions and non-compliance.

B. As used in this §611, the following terms and phrases shall have the meanings specified.

*Administer*—with respect to a medication provided or dispensed by a prescriber for use by a patient, the term *administer* means directly or through an agent to give, provide

or supply for immediate oral ingestion, insertion or topical application by the patient, or to insert, apply topically, or inject intravenously, intramuscularly, subcutaneously, intrathecally, or extrathecally.

*Board*—the Louisiana State Board of Optometry Examiners, as constituted under R.S. 37:1041 et seq.

*Controlled Dangerous Substance (CDS)*—any substance defined, enumerated or included in federal or state statute or regulations 21 CFR §§1308.11-15 or R.S. 40:964, or any substance which may hereafter be designated as a controlled substance by amendment or supplementation of such regulations and statute.

*Delegate*—an individual authorized by a prescriber or dispenser who is also authorized to access and retrieve prescription monitoring program data for the purpose of assisting the prescriber or dispenser, and for whose actions the authorizing prescriber or dispenser retains accountability.

*Prescribe*—to issue a request or order for a drug or medical device by an individual licensed under this Part for a legitimate medical purpose. The act of prescribing must be in good faith and in the usual course of the licensee's professional practice.

*Prescriber*—an optometrist or other health care provider as may hereafter be licensed by the board under this Part, whose scope of practice includes authority to prescribe opioids.

*Prescription*—an order from a practitioner authorized by law to prescribe for a drug or device that is patient specific and is communicated by any means to a pharmacist in a permitted pharmacy.

*Prescription Monitoring Program or PMP*—the electronic system for the monitoring of controlled substances and other drugs of concern established by the Prescription Monitoring Program Act, R.S. 40:1001 et seq., as may from time to time be amended.

#### **C. Mandatory Access and Review**

1. Prior to initially prescribing any opioid to a patient, a prescriber or his/her delegate shall access and review the patient's record in the PMP; and

2. If opioids are prescribed to the patient for more than 90 days, the prescriber or his/her delegate shall access and review the record in the PMP at least every 90 days.

3. This Section shall not apply if:

a. the drug is prescribed or administered to a hospice patient or any other patient who has been diagnosed as terminally ill;

b. the drug is prescribed or administered for the treatment of cancer-related chronic or intractable pain;

c. the drug is ordered or administered to a patient being treated in a hospital;

d. the PMP is not accessible or not functioning properly due to an electronic issue. However, the prescriber shall check the PMP after electronic accessibility has been restored and note the cause for the delay in the patient's chart; or

e. no more than a single seven-day supply of the drug is prescribed or administered to a patient.

D. Action against Optometry License. Violation or failure to comply with the provisions set forth in §§303 or 611, or providing false or misleading statements in connection with any application required by this Chapter may be deemed to constitute just cause for the suspension, revocation, refusal to

issue, or the imposition of probationary or other restrictions on any license or permit to practice optometry in the state of Louisiana or applied for by an optometrist culpable of such violation, or for other administrative action as the board may in its discretion determine to be necessary or appropriate, under the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Optometry Examiners, LR 46:26 (January 2020).

Dr. James Sandefur  
Secretary

2001#063

## **RULE**

### **Department of Health Bureau of Health Services Financing and Office of Behavioral Health**

Behavioral Health Services  
Treatment for Opioid Use Disorder in Opioid Treatment  
Programs (LAC 50:XXXIII.Chapters 151-157)

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health have adopted LAC 50:XXXIII.Chapters 151-157 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

#### **Title 50**

#### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XXXIII. Behavioral Health Services**

#### **Subpart 16. Coverage for Treatment for Opioid Use Disorder in Opioid Treatment Programs**

#### **Chapter 151. General Provisions**

#### **§15101. Introduction**

A. The Medicaid Program hereby adopts provisions to provide coverage for medication-assisted treatment provided in Opioid Treatment Programs, including but not limited to, methadone treatment, to all Medicaid-eligible adults and children with opioid use disorder (OUD).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 46:27 (January 2020).

#### **§15103. Recipient Qualifications**

A. Adults and children who meet Medicaid eligibility and clinical criteria shall qualify to receive medically necessary OUD services in Opioid Treatment Programs.

B. Qualifying recipients must meet the following criteria:

1. are at least 18 years old, unless the recipient has consent from a parent or legal guardian, if applicable; and
2. meet the federal requirements regarding admission to the Opioid Treatment Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 46:27 (January 2020).

#### **Chapter 153. Services**

#### **§15301. General Provisions**

A. All treatment services must be medically necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 46:27 (January 2020).

#### **§15303. Covered Services**

A. The following services provided by Opioid Treatment Programs shall be reimbursed under the Medicaid Program:

1. the administration and dispensing of medications; and
2. treatment phases outlined in LAC 48:I.5725.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 46:27 (January 2020).

#### **Chapter 155. Provider Participation**

#### **§15501. Provider Responsibilities**

A. Each Opioid Treatment Program shall enter into a contract with the managed care organizations (MCOs) and the coordinated system of care (CSoc) contractor in order to receive reimbursement for Medicaid covered services.

B. Opioid treatment programs shall deliver all services in accordance with federal and state laws and regulations, and the provisions of this Rule.

C. Opioid Treatment Programs must be licensed in accordance with state laws and regulations, in addition to operating within their scope of practice license.

D. Opioid Treatment Programs shall retain all records necessary to fully disclose the extent of services provided to recipients for five years from the date of service and furnish such records, and any payments claimed for services, to the Medicaid program upon request.

E. Opioid Treatment Programs shall maintain compliance with state and federal regulatory authorities for operation, including but not limited to the Substance Abuse and Mental Health Services Administration (SAMHSA), the Drug Enforcement Administration (DEA), and the State Opioid Treatment Authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 46:27 (January 2020).

#### **Chapter 157. Reimbursement**

#### **§15701. Reimbursement Methodology**

A. Reimbursement rates for Opioid Treatment Programs shall be a bundled rate included in the Specialized Behavioral Health Fee Schedule as determined by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 46:27 (January 2020).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and

Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH  
Secretary

2001#040

## **RULE**

### **Department of Health Bureau of Health Services Financing**

Intermediate Care Facilities for Persons with  
Intellectual Disabilities  
Dedicated Program Funding Pool Payments  
(LAC 50:VII.32917)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:VII.32917 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

#### **Title 50**

#### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

##### **Part VII. Long Term Care**

##### **Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities**

##### **Chapter 329. Reimbursement Methodology**

##### **Subchapter A. Non-State Facilities**

##### **§32917. Dedicated Program Funding Pool Payments**

A. Effective for providers active and Medicaid certified as of September 1, 2019; a one-time lump sum payment will be made to intermediate care facilities for individuals with intellectual disabilities (ICFs/IID).

##### **B. Methodology**

1. Payment will be based on each provider's specific pro-rated share of an additional dedicated program funding pool totaling \$4,665,635.

2. The pro-rated share for each provider will be determined utilizing the provider's percentage of total annualized program Medicaid days. Annualized program Medicaid days will be calculated utilizing the most recently desk reviewed or audited cost reports as of July 1, 2019.

3. The additional dedicated program funding pool lump sum payments shall not exceed the Medicare upper payment limit in the aggregate for the provider class.

4. The one-time payment will be made on or before June 30, 2020.

5. Payment of the one-time lump sum payment is subject to approval by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services (CMS).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 46:28 (January 2020).

Rebekah E. Gee MD, MPH  
Secretary

2001#041

## **RULE**

### **Department of Health Bureau of Health Services Financing**

Intermediate Care Facilities for Persons with Intellectual Disabilities—Reimbursement Methodology  
Direct Care Floor (LAC 50:VII.32901)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:VII.32901 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

#### **Title 50**

#### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

##### **Part VII. Long Term Care**

##### **Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities**

##### **Chapter 329. Reimbursement Methodology**

##### **Subchapter A. Non-State Facilities**

##### **§32901. Cost Reports**

##### **A. - B.2. ...**

##### **C. Direct Care Floor**

1. A facility wide direct care floor may be enforced upon deficiencies related to direct care staffing requirements cited during the HSS annual review or resulting from an HSS complaint investigation.

##### **2. - 5. ...**

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1592 (July 2005), repromulgated LR 31:2252 (September 2005), amended LR 33:461 (March 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1446 (August 2018), LR 46:28 (January 2020).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH  
Secretary

2001#042

## RULE

### Department of Health Bureau of Health Services Financing

Medicaid Eligibility  
Modified Adjusted Gross Income Groups  
(LAC 50:III.10307)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:III.10307 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part III. Eligibility

#### Subpart 5. Financial Eligibility

#### Chapter 103. Income

#### §10307. Modified Adjusted Gross Income (MAGI)

##### Groups

##### A. MAGI-based

1. Income shall be calculated in accordance with 42 CFR §435.603 and §457.315.

2. - 29.z.ii. Repealed.

B. - B.1.b.iii. ...

2. The net countable income for the individual's household shall be compared to the applicable income standard for the household size to determine eligibility.

a. If the countable income is below the income standard for the applicable MAGI group, the individual is income eligible.

b. If the countable income is above the income standard for the applicable MAGI group, the individual is income ineligible.

3. - 5.b. Repealed.

C. Federal Poverty Income Guidelines (FPIG). Eligibility shall be based upon the following guidelines using the federal poverty income guidelines and adjusted to account for the 5 percent disregard:

1. - 4. ...

5. LaCHIP IV (unborn option), income is less or equal to 214 percent FPIG;

6. LaCHIP Affordable Plan, income is less or equal to 255 percent FPIG;

7. Adult Group, income is less than or equal to 138 percent FPIG; and

8. Take Charge Plus, income is less than or equal to 138 percent FPIG.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:947 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 46:29 (January 2020).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH  
Secretary

2001#043

## RULE

### Department of Health Bureau of Health Services Financing

Medication Attendant Certified—Licensing Standards  
(LAC 48:I.Chapter 100)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.Chapter 100 as authorized by R.S. 36:254 and R.S. 37:1026.1 et seq. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

#### Title 48

### PUBLIC HEALTH—GENERAL

#### PART I. General Administration

#### Subpart 3. Licensing

#### Chapter 100. Nurse Aide Training and Competency Evaluation Program

#### Subchapter G. Medication Attendant Certified §10080. Definitions

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*Department*—the Louisiana Department of Health (LDH).

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*Licensed Nurse*—a licensed registered nurse or a licensed practical nurse or a RN or LPN practicing in the state under a multistate license from a compact state with a privilege to practice (PTP) in Louisiana in accordance with applicable state statutes and regulations.

*Licensed Practical Nurse*—a person licensed by the LSBPNE to practice practical nursing in Louisiana or a RN or LPN practicing in the state under a multistate license from a compact state with a PTP in Louisiana.

*Medication Attendant Certified (MAC)*—a person certified by LDH to administer medications to nursing facility residents, hereafter referred to as a MAC.

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*Nursing Facility*—an institution licensed pursuant to R.S. 40:2009.1-2009.10.

*Pilot*—Repealed.

*Registered Nurse (RN)*—a person licensed by the LSBN to practice professional nursing in Louisiana or practicing in Louisiana under a PTP.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1413 (July 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 46:29 (January 2020).



### **§10081. General Provisions**

A. The Department of Health (LDH) establishes provisions for the use of medication attendants certified (MACs) in licensed nursing facilities. The department shall maintain a registry of individuals who have, at a minimum, successfully:

1. completed a state-approved MAC training course;
2. passed a competency evaluation administered by a state-approved testing source; and
3. passed drug screening/testing and a statewide criminal background/security check conducted by the Louisiana State Police, or its designee.

B. The MAC registry shall contain the following items:

1. a list of individuals who have successfully completed an approved MAC training curriculum and competency evaluation. Each individual listed shall have the following information maintained on the registry:

- a. - c. ...
- d. telephone number;
- e. - g. ...
- h. state-issued certification number;
- i. documentation of any investigation, if applicable, including findings of:
- i. - v. ...
- j. ...
- k. a current, monitored e-mail address.

C. Registry. Employers shall use the registry to determine if a prospective hire is a MAC and if there is a finding that he/she has abused or neglected an individual being supported or misappropriated the individual's property or funds.

D. Change of Information. A certificate holder shall notify the department as soon as possible but no later than 30 days after changing his or her address, telephone number, e-mail address, or name.

E. Arrest. A MAC, or his or her employer, if aware, shall immediately notify the department of any arrest in any state.

F. Reciprocity. A person who holds a valid license, registration or certificate as a medication attendant issued by another state shall also be certified in Louisiana if the transferring state's training program is at least 120 hours or more and the applicant passes the state-approved MAC competency examination.

1. ...
2. The application shall include a certified copy of the license or certificate for which the reciprocal certificate is requested.
3. ...

G. When issued, an initial certificate shall be valid for 12 months from the date of issue. The registry will renew the certificate if:

1. a certificate holder has completed four hours of state-approved continuing education administered by an approved institution focusing on medication administration prior to expiration of the certificate; and
2. a certificate holder has worked at least 400 hours per year in a licensed nursing facility.

H. Denial of Renewal. The department shall deny renewal of the certificate of a MAC who is in violation of this Chapter at the time of the application renewal.

I. ...

J. A MAC shall function under the direct supervision of a licensed registered or practical nurse on duty at the nursing

facility. Although the performance of selected medication administration tasks are delegated to the MAC by the registered nurse, the registered nurse retains the accountability for the total nursing care of the resident, regardless of whether the care is provided solely by the registered nurse or by the registered nurse in conjunction with other licensed or unlicensed assistive personnel. The MAC shall:

1. ...
2. comply with the department's rules applicable to such personnel used in a nursing facility.

K. Persons employed as MACs in a nursing facility shall comply with the requirements relating to nurse aides as set forth in the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203 and minimum licensure standards for nursing facilities or subsequent amendments. Requirements are met if the individual is:

1. - 2. ...

L. Restriction. While on duty, a MAC's sole function shall be to administer medications to residents. Persons employed as medication attendants in a nursing facility may not be assigned additional responsibilities. If medication administration has been completed, they may assist in other areas.

M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1413 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1248 (May 2012), repromulgated LR 38:1412 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:30 (January 2020).

### **§10082. General Requirements**

A. Prior to application for a certificate under this Chapter, all persons shall:

1. be proficient in reading, writing, speaking, and understanding the English language at a minimum eighth grade level as evidenced by the MAC training program's required entry placement test scores.

- a. - c. Repealed.

2. be a citizen of the United States or a legal alien with appropriate documentation from the U.S. Department of Homeland Security;

3. - 5. ...

6. be currently employed in a facility as a certified nurse aide (CNA) on the first official day of an applicant's medication attendant training program or be a graduate of a nursing program;

7. have a minimum of one year experience in a nursing home as a CNA or be a graduate of a nursing program; and

8. successfully pass a statewide criminal background/security check conducted by the State Police, or its designee, within 90 days of an applicant starting the MAC program and be free of abused substances as evidenced by periodic drug testing in accordance with the NF's policies and procedures. Verification of these results

must be received by the training entity, documented, and maintained in the personnel file.

B. A MAC may not administer medication to a resident in a nursing facility unless he/she:

B.1. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1414 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1249 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:30 (January 2020).

### **§10083. Coordinators, Instructors, and Trainers**

A. Program Coordinator. Every MAC training program shall have a program coordinator who provides general supervision of the training received by the MAC trainees.

1. The program coordinator shall be a registered nurse (RN) and shall have the following experience and qualifications:

a. a minimum of two years of nursing experience, of which at least one year must be in caring for the elderly or chronically ill, obtained through employment in any of the following:

- i. a nursing facility/unit;
- ii. a geriatrics department;
- iii. a chronic care hospital;
- iv. other long-term care setting; or
- v. experience in varied responsibilities including,

but not limited to, direct resident care or supervision and staff education; and

b. completion of Vocational Trade and Industrial Education (VTIE) or Career and Technical Trade and Industrial Education (CTTIE) licensure, "train the trainer" type program, or a master's degree or higher.

2. The program coordinator shall supervise no more than two MAC training programs simultaneously and shall be on the premises where the program is being conducted for at least 50 percent of the duration of the program.

B. Instructors. Instructors shall be RNs or LPNs in a ratio such that not less than 50 percent of the instructors are RNs and shall hold a current, unencumbered Louisiana nursing license or PTP. Licensed practical (vocational) nurses, under the direct supervision of the coordinator, may provide classroom and clinical skills instruction and supervision of trainees if they have two years of experience in caring for the elderly and/or chronically ill of any age or have equivalent experience.

1. Such experience may be obtained through employment in:

- a. a nursing facility;
- b. a geriatrics department;
- c. a chronic care hospital; or
- d. another long-term care setting.

2. Experience in resident care, supervision and staff education is preferred.

3. The ratio of instructors to trainees in clinical training shall not exceed 1:5 and the ratio of instructors to trainees in the classroom shall not exceed 1:15.

C. Program Trainers. Qualified resource personnel from the health field may participate as program trainers as needed

for discussion or demonstration of specialized medication procedures.

1. Qualified resource personnel shall have a minimum of one year of experience in their health care field and shall be licensed, registered and/or certified, if applicable, and may include:

- a. registered nurses;
- b. licensed practical/vocational nurses;
- c. pharmacists;
- d. dietitians;
- e. nursing home administrators;
- f. gerontologists;
- g. physical therapists and occupational therapists;
- h. activities specialists; and
- i. speech/language/hearing therapists.

2. All program trainers shall have a minimum of one year of current experience in caring for the elderly and/or chronically ill of any age or have equivalent experience.

3. The training program may utilize other persons such as residents, experienced aides, and ombudsmen as resource personnel if these persons are needed to meet the planned program objectives or a specific unit of training.

D. Trainees

1. Each medication attendant trainee shall be clearly identified as a trainee during all clinical portions of the training. Identification should be recognizable to residents, family members, visitors and staff.

2. Trainees shall take the competency evaluation (through skills demonstration and written examination) within 30 days after completion of the training program. Trainees will be given a maximum of two opportunities within 90 days following completion of the training program to successfully complete the competency evaluation program.

3. If a trainee fails to successfully complete the competency evaluation program, he or she shall re-enroll in a training program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1415 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1249 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:31 (January 2020).

### **§10084. Training Curriculum**

A. - A.4. ...

B. Each medication attendant training program shall provide all trainees with a nursing facility orientation that is not included in the required minimum 120 hours of core curriculum. The orientation program shall include, but is not limited to:

1. - 4. ...

5. employee policies and procedures.

C. ...

1. The core curriculum shall be a minimum of 120 hours in length with a minimum of 45 clinical hours.

C.2. - D.12.b. ...

13. appropriate procedures to follow when the resident is NPO "nothing by mouth", dysphagic, refuses the medication, vomits the medication, or has allergies;

14. - 30. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1415 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:31 (January 2020).

#### **§10085. Competency Evaluation**

A. A competency evaluation shall be developed by the training entity and conducted to ensure that each trainee, at a minimum, is able to demonstrate competencies taught in each part of the training curriculum.

B. ...

C. The entity responsible for the training and competency evaluation shall report to the registry the names of all individuals who have satisfactorily completed the curriculum after the training is completed. Within 15 days after a MAC has successfully completed the training and competency evaluation, the training entity shall notify the registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1416 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:32 (January 2020).

#### **§10086. Authorized Duties**

A. The MAC may perform certain duties and functions under the direct supervision of a licensed nurse. These authorized duties shall apply to medication attendant trainees under the supervision of the clinical instructor. The ratio of MACs to licensed nurses shall not exceed two medication attendants to one licensed nurse at any given time.

B. MACs may:

1. observe and report to the licensed nurse a resident's adverse reaction to a medication;

2. - 12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1416 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:32 (January 2020).

#### **§10087. Prohibited Duties**

A. Medication attendants certified shall not:

1. ...

2. administer any medications by the following parenteral routes:

- a. intramuscular;
- b. intravenous;
- c. subcutaneous;
- d. intradermal; or
- e. other routes restricted in department rules;

3. administer any medication used for intermittent positive pressure breathing (IPPB) treatments;

4. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1416 (July 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 46:32 (January 2020).

#### **§10088. Provider Participation and Responsibilities**

A. A nursing facility with a license that is in good standing with the department may apply to the department to utilize MACs. Upon receipt of a facility's application, the department shall review the facility's compliance history.

B. If a facility is non-compliant with program regulations, the department shall take into consideration the findings that resulted in the facility's noncompliance before making a determination whether or not to allow the facility to utilize MACs. Emphasis shall be placed on deficiencies cited in the area of medication administration such as significant medication errors, medication error rates and repeat deficiencies of such.

C. The department may deny a facility's request to use MACs if it is determined that, based upon the compliance history, the safety and well-being of residents would be jeopardized. If the facility is denied participation, the facility may ask for a reconsideration and review of the circumstances which contributed to the denial of the application.

D. The following information shall be provided prior to acceptance in the program:

1. - 2. ...

3. the plan for orientation and utilization of MACs, including orientation of all staff to the role of MACs;

4. the number and type of medication errors in the year prior to the utilization of MACs; and

5. a statement that the nursing facility will utilize the MACs in accordance with the department's rules and regulation and will provide evaluation information as indicated.

6. - 8. Repealed

E. A facility's application that is not complete within 90 days of receipt by the department shall be considered null and void.

F. The department may sanction a facility and/or revoke a facility's participation in the MAC program if it is determined by the department that, based upon the facility's compliance history, the safety and well-being of residents is jeopardized by the facility's non-compliance with licensing standards. If the facility's participation is revoked, the facility may ask for a reconsideration and review of the circumstances which contributed to the revocation of participation in the MAC program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:32 (January 2020).

**§10089. Allegations of Medication Attendant Certified Wrong-Doing**

A. The department, through its Division of Administrative Law or successor entity, has provided for a process of the review and investigation of all allegations of resident abuse, neglect or misappropriation of residents' property or funds by MACs.

B. In the event of an allegation of wrong-doing, MACs shall be bound by the department's established:

1. ...
2. informal dispute resolution policies; and
3. appeal and administrative hearing provisions:
  - a. the formal hearing shall be conducted according to formal hearing procedures set forth in the Administrative Procedure Act.
4. - 4.a. Repealed.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:33 (January 2020).

**§10090. Suspension, Revocation or Denial of Renewal**

A. The department may revoke, suspend or deny renewal of a certificate or reprimand a certificate holder for a violation of this Chapter.

B. - B.3. ...

C. Prior to institution of formal proceedings to revoke or suspend a certificate, the department shall give written notice to the certificate holder of the facts or conduct alleged to warrant revocation, suspension or rescission. The certificate holder shall be given an opportunity to participate in an informal dispute resolution process.

D. - F. ...

1. If a suspension overlaps a certificate renewal date, the suspended certificate holder shall be subject to the renewal procedures pursuant to the provisions of this Subchapter. However, the department shall not renew the certificate until it determines that the reason for suspension no longer exists.

G. If the department revokes or denies renewal of a certificate, a person may reapply for a certificate by complying with the provisions of this Chapter at the time of reapplication. The department may refuse to issue a certificate if the reason for revocation or denial of renewal continues to exist.

1. If a certificate is revoked or denied renewal, the certificate holder shall immediately return the certificate to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of

Health, Bureau of Health Services Financing, LR 46:33 (January 2020).

Rebekah E. Gee MD, MPH  
Secretary

2001#044

**RULE**

**Department of Health  
Bureau of Health Services Financing**

Pharmacy Benefits Management Program  
Dispense as Written Electronic Prescribing  
(LAC 50:XXIX.Chapters 1, 5, 7, 9 and 11)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XXIX.Chapters 1,2,7,9 and 11 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH MEDICAL ASSISTANCE**

**Part XXIX. Pharmacy**

**Chapter 1. General Provisions**

**§107. Prior Authorization**

A. - C.3. ...

D. Drugs Excluded from Coverage. As provided by §1927(d)(2) of the Social Security Act, the following drugs are excluded from program coverage:

1. select agents when used for anorexia, weight loss, or weight gain, except Orlistat (Xenical®);
2. select agents when used to promote fertility, except vaginal progesterone when used for high-risk pregnancy to prevent premature births;
3. select agents when used for symptomatic relief of cough and cold, except prescription antihistamine and antihistamine/decongestant combination products;
4. select prescription vitamins and mineral products, except:

- a. prenatal vitamins;
- b. fluoride preparations;
- c. vitamin A injection;
- d. vitamin B injection;
- e. vitamin D (prescription only);
- f. vitamin K (prescription only);
- g. vitamin B12 injection;
- h. folic acid (prescription only);
- i. niacin (prescription only);
- j. vitamin B6 injection;
- k. vitamin B1 injection;
- l. multivitamin (prescription only);
- m. magnesium injections;
- n. calcium injection; and
- o. urinary PH modifiers (phosphorus, specifically K Phos Neutral and Phospha Neutral);

5. select nonprescription drugs except OTC antihistamines and antihistamine/decongestant combinations and polyethylene glycol 3350 (Miralax®);

6 - 10. Repealed.

**E. Otherwise Restricted Drugs**

1. The state will cover agents when used for cosmetic purposes or hair growth only when the state has determined that use to be medically necessary.

2. Select drugs for erectile dysfunction, except when used for the treatment of conditions, or indications approved by the FDA, other than erectile dysfunction.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and the 1995-96 General Appropriate Act.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1053 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1180 (June 2017), LR 43:1553 (August 2017), LR 45:665 (May 2019), LR 46:33 (January 2020).

**§111. Copayment**

A. - A.1. ...

\* \* \*

2. The pharmacy provider shall collect a copayment from the Medicaid recipient for each drug dispensed and covered by Medicaid. The following pharmacy services are exempt from the copayment requirements:

a. - d. ...

3. The following population groups are exempt from copayment requirements:

- a. individuals under the age of 21;
- b. individuals residing in a long-term care facility;
- c. individuals receiving hospice care;
- d. Native Americans and Alaskan Eskimos;
- e. women whose basis for Medicaid eligibility is breast or cervical cancer; and
- f. home and community-based services waiver recipients.

B. In accordance with federal regulations, the following provisions apply.

1. The provider may not deny services to any eligible individual on account of the individual's inability to pay the copayment amount. However, this service statement does not apply to an individual who is able to pay, nor does an individual's inability to pay eliminate his or her liability for the copayment.

2. Providers shall not waive the recipient copayment liability.

3. Departmental monitoring and auditing will be conducted to determine provider compliance.

4. Violators of this Section maybe subject to a penalty, including but not limited to, termination from the Medicaid Program.

5. The state will ensure Medicaid premiums and cost sharing incurred by all individuals in the Medicaid household do not exceed an aggregate limit of 5 percent of the family's income applied on a monthly basis.

B.6 - C.4. Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 32:1055 (June 2006), amended by the Department of Health, Bureau of Health

Services Financing, LR 43:1181 (June 2017), LR 43:1553 (August 2017), LR 46:34 (January 2020).

**§115. Drug Coverage Limits**

A. - 5.c. ...

6. The prescribed drug is an excluded or otherwise restricted drug.

7. ...

8. The prescribed drug is not an immunosuppressant drug prescribed and billed to Medicare for a Title XIX transplant recipient who has Medicare Part B coverage.

9. The prescribed drug is not an immunosuppressant drug covered by Medicare Part B which is prescribed for a nontransplant patient with Medicare Part B coverage and identified in the Title XIX provider manual as subject to special billing procedures.

B. Drug Listing

1. - 2. ...

C. Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1055 (June 2006), LR 32:2083 (November 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1182 (June 2017), LR 46:34 (January 2020).

**§119. Maximum Quantity**

A. ...

B. When maintenance drugs are prescribed and dispensed for chronic illnesses they shall be in quantities sufficient to effect economy in dispensing and yet be medically sound. Maintenance type drugs should be prescribed and dispensed in a month's supply after the initial fill.

1. - 10.c. Repealed.

C. ...

D. Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1056 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1182 (June 2017), LR 46:34 (January 2020).

**Chapter 5. Narcotics and Controlled Substances**

**§501. Schedule II Narcotic Analgesic Prescriptions**

A. ...

B. Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1058 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1183 (June 2017), LR 46:34 (January 2020).

**Chapter 7. Parenteral Nutrition Therapy**

**§701. Introduction**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1058 (June 2006), repealed LR 46:34 (January 2020).

**§703. Medical Necessity**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1058 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1183 (June 2017), repealed LR 46:35 (January 2020).

#### **§707. Prior Authorization**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1060 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1184 (June 2017), repealed LR 46:35 (January 2020).

#### **§709. Intradialytic Parenteral Nutrition**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1061 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1184 (June 2017), repealed LR 46:35 (January 2020).

#### **§713. Equipment and Supplies**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1061 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1184 (June 2017), repealed LR 46:35 (January 2020).

#### **§715. Reimbursement**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1061 (June 2006), repealed by the Department of Health, Bureau of Health Services Financing, LR 46:35 (January 2020).

### **Chapter 9. Methods of Payment**

#### **Subchapter D. Maximum Allowable Costs**

##### **§949. Fee for Service Cost Limits**

A. - C.3.c. ...

D. Physician Certifications

1. Limits on payments for multiple source drugs shall not be applicable when the prescriber certifies that the brand name drug is medically necessary for the care and treatment of a recipient in his own handwriting or via an electronic prescription. Such certification shall be written directly on the prescription, on a separate sheet which is dated and attached to the prescription, or submitted electronically. A standard phrase such as "brand necessary" indicating the medical necessity of the brand will be acceptable.

2. - 2.c. Repealed.

E. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1065 (June 2006), amended LR 34:88 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1561 (July

2010), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1185 (June 2017), LR 43:1554 (August 2017), LR 44:1020 (June 2018), LR 45:571 (April 2019), LR 45:665 (May 2019), amended LR 46:35 (January 2020).

### **Chapter 11. Value-based Agreement Programs**

#### **Subchapter E. 340B Program**

##### **§1101. General Provisions**

A. ...

B. LDH may enter into an agreement with a pharmaceutical manufacturer for outcomes-based contracts. Participation by a pharmaceutical manufacturer in an outcomes-based agreement with the department is voluntary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:966 (May 2017), amended LR 45:909 (July 2019), LR 46:35 (January 2020).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH  
Secretary

2001#045

### **RULE**

#### **Department of Insurance Office of the Commissioner**

##### **Regulation 98—Annual Financial Reporting (LAC 37:XIII.Chapter 137)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has amended Regulation 98—Annual Financial Reporting by adding a definition for “internal audit function”, amending the provision for a hearing regarding qualification of an independent certified public accountant, adding a requirement for audit committees pertaining to internal audit functions, and adding §13728 pertaining to internal audit function requirements.

The purpose of the amendment to Regulation 98 is to implement and clarify annual financial reporting requirements which will improve the surveillance of the financial condition of insurers by the Department of Insurance and will further the National Association of Insurance Commissioners’ (NAIC) unified effort toward reciprocity among the states. This Rule is hereby adopted on the day of promulgation.

### **Title 37**

### **INSURANCE**

#### **Part XIII. Regulations**

##### **Chapter 137. Regulation Number 98—Annual Financial Reporting**

##### **§13705. Definitions**

A. ...

\* \* \*

*Audit Committee*—a committee or equivalent body established by the board of directors of an entity for the purpose of overseeing the accounting and financial reporting

processes of an insurer or group of insurers, the internal audit function of an insurer or group of insurers (if applicable), and external audits of financial statements of the insurer or group of insurers. The audit committee of any entity that controls a group of insurers may be deemed to be the audit committee for one or more of these controlled insurers solely for the purposes of Regulation 98 at the election of the controlling person. Refer to §13727.A.6 for exercising this election. If an audit committee is not designated by the insurer, the insurer's entire board of directors shall constitute the audit committee.

\* \* \*

*Internal Audit Function*—a person or persons that provide independent, objective and reasonable assurance designed to add value and improve an organization's operations and accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:1 et seq., the "Audited Financial Reports Law" R.S. 22:671 et seq., more particularly R.S. 22:675 and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner LR 35:2454 (November 2009), amended LR 46:35 (January 2020).

### **§13713. Qualifications of Independent Certified Public Accountant**

A. - E.3. ...

F. The insurer, as provided in accordance with the requirements of the Administrative Procedure Act, R.S. 49:950 et seq., may request a hearing to determine whether an independent certified public accountant is qualified.

G. - L.2. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:1 et seq., the "Audited Financial Reports Law" R.S. 22:671 et seq., more particularly R.S. 22:675 and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner LR 35:2456 (November 2009), amended LR 46:36 (January 2020).

### **§13727. Requirements for Audit Committees**

A. - A.1. ...

2. The audit committee of an insurer or group of insurers shall be responsible for overseeing the insurer's internal audit function and granting the person or persons performing the function suitable authority and resources to fulfill their responsibilities if required by §13728 of this Regulation.

3. Each member of the audit committee shall be a member of the board of directors of the insurer or a member of the board of directors of an entity elected pursuant to §13727.A.6 and as defined by §13705.

4. In order to be considered independent for purposes of this Section, a member of the audit committee may not, other than in his or her capacity as a member of the audit committee, the board of directors, or any other board committee, accept any consulting, advisory or other compensatory fee from the entity or be an affiliated person of the entity or any subsidiary thereof. However, if law requires board participation by otherwise non-independent members, that law shall prevail and such members may participate in the audit committee and be designated as independent for audit

committee purposes, unless they are an officer or employee of the insurer or one of its affiliates.

5. If a member of the audit committee ceases to be independent for reasons outside the member's reasonable control, that person, with notice by the responsible entity to the department, may remain an audit committee member of the responsible entity until the earlier of the next annual meeting of the responsible entity or one year from the occurrence of the event that caused the member to no longer be independent.

6. To exercise the election of the controlling person to designate the audit committee for purposes of Regulation 98, the ultimate controlling person shall provide written notice to the commissioners of the affected insurers. Notification shall be made timely prior to the issuance of the statutory audit report and include a description of the basis for the election. The election can be changed through notice to the commissioner by the insurer, which shall include a description of the basis for the change. The election shall remain in effect for perpetuity, until rescinded.

7. The audit committee shall require the accountant that performs any audit for an insurer required by Regulation 98 to timely report to the audit committee in accordance with the requirements of SAS 61, Communication with audit committees, or its replacement as well as subsequent statements on auditing standards that may be issued requiring communications to audit committees or others charged with governance including:

a. all significant accounting policies and material permitted practices;

b. all material alternative treatments of financial information within statutory accounting principles that have been discussed with management officials of the insurer, ramifications of the use of the alternative disclosures and treatments, and the treatment preferred by the accountant; and

c. other material written communications between the accountant and the management of the insurer, such as any management letter or schedule of unadjusted differences.

8. If an insurer is a member of an insurance holding company system, the reports required by §13727.A.7 may be provided to the audit committee on an aggregate basis for insurers in the holding company system, provided that any substantial differences among insurers in the system are identified to the audit committee.

9. The proportion of independent audit committee members shall meet or exceed the following criteria.

<b>Prior Calendar Year Direct Written and Assumed Premiums</b>		
<b>\$0 - \$300,000,000</b>	<b>Over \$300,000,000 -\$500,000,000</b>	<b>Over \$500,000,000</b>
No minimum requirements. See also Note A and B.	Majority (50% or more) of members shall be independent. See also Note A and B.	Supermajority of members (75% or more) shall be independent. See also Note A.

Note A: The commissioner has authority afforded by state law to require the entity's board to enact improvements to the independence of the audit committee membership if the insurer is in a Risk Based Capital (RBC) action level event, meets one or more of the standards of an insurer deemed to be in hazardous financial condition, or otherwise exhibits qualities of a troubled insurer.

Note B: All insurers with less than \$500,000,000 in prior year direct written and assumed premiums are encouraged to structure their audit committees with at least a supermajority of independent audit committee members.

Note C: Prior calendar year direct written and assumed premiums shall be the combined total of direct premiums and assumed premiums from non-affiliates for the reporting entities.

10. An insurer with direct written and assumed premium, excluding premiums reinsured with the Federal Crop Insurance Corporation and the Federal Flood Program, of less than \$500,000,000 may make application to the commissioner for a waiver from the §13727 requirements based upon hardship. The insurer shall file, with its annual statement filing, the approval for relief from §13727 with the states that it is licensed in or doing business in and with the NAIC. If the non-domestic state accepts electronic filing with the NAIC, the insurer shall file the approval in an electronic format acceptable to the NAIC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1 et seq., the "Audited Financial Reports Law" R.S. 22:671 et seq., more particularly R.S. 22:675 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner LR 35:2459 (November 2009), amended LR 46:36 (January 2020).

### **§13728. Internal Audit Function Requirements**

A. Exemption. An insurer is exempt from the requirements of this section if:

1. the insurer has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, less than \$500,000,000; and

2. if the insurer is a member of a group of insurers, the group has annual direct written and unaffiliated assumed premium including international direct and assumed premium, but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, less than \$1,000,000,000.

NOTE: An insurer or group of insurers exempt from the requirements of this Section is encouraged, but not required, to conduct a review of the insurer business type, sources of capital, and other risk factors to determine whether an internal audit function is warranted. The potential benefits of an internal audit function should be assessed and compared against the estimated costs.

B. Function. The insurer or group of insurers shall establish an internal audit function providing independent, objective and reasonable assurance to the audit committee and insurer management regarding the insurer's governance, risk management and internal controls. This assurance shall be provided by performing general and specific audits, reviews and tests and by employing other techniques deemed necessary to protect assets, evaluate control effectiveness and efficiency, and evaluate compliance with policies and regulations.

C. Independence. In order to ensure that internal auditors remain objective, the internal audit function must be organizationally independent. Specifically, the internal audit function will not defer ultimate judgment on audit matters to

others, and shall appoint an individual to head the internal audit function who will have direct and unrestricted access to the board of directors. Organizational independence does not preclude dual-reporting relationships.

D. Reporting. The head of the internal Audit function shall report to the audit committee regularly, but no less than annually, on the periodic audit plan, factors that may adversely impact the internal audit function's independence or effectiveness, material findings from completed audits and the appropriateness of corrective actions implemented by management as a result of audit findings.

E. Additional Requirements. If an insurer is a member of an insurance holding company system or included in a group of insurers, the insurer may satisfy the internal audit function requirements set forth in this section at the ultimate controlling parent level, an intermediate holding company level or the individual legal entity level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1 et seq., the "Audited Financial Reports Law" R.S. 22:671 et seq., more particularly R.S. 22:675 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020).

James J. Donelon  
Commissioner

2001#022

## **RULE**

### **Department of Insurance Office of the Commissioner**

#### **Regulation 114—Claims Adjuster Pre-Licensing Education Program (LAC 37:XIII.Chapter 165)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and through the authority granted under R.S. 22:1 et seq., and specifically R.S. 22:11, the Department of Insurance has amended Regulation 114—Claims Adjuster Pre-Licensing Education Program. The Department of Insurance has amended Regulation 114 to establish the requirements and the procedure for approving claims adjuster pre-licensing education programs, the providers and the examination of candidates for licensure by the Department of Insurance pursuant to R.S. 22:1668. This Rule is hereby amended on the day of promulgation.

#### **Title 37**

#### **INSURANCE**

#### **Part XIII. Regulations**

#### **Chapter 165. Regulation Number 114—Claims Adjuster Pre-Licensing Education Program**

#### **§16501. Purpose**

A. The purpose of Regulation 114 is:

1. to provide for the submission of approved programs to be listed on the web page of the Louisiana Department of Insurance;

2. to establish the requirements and set forth the procedure for approval of programs by the commissioner;

3. to establish the requirements and set forth the procedure for approval of providers of the programs by the commissioner.



AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020).

### **§16503. Applicability and Scope**

A. Regulation 114 shall apply to programs and the providers, instructors and supervisory instructors of those programs as defined herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:38 (January 2020).

### **§16505. Authority**

A. Regulation 114 is promulgated by the commissioner pursuant to the authority granted under the Louisiana Insurance Code, R.S. 22:11, 22:821, 22:1668 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:38 (January 2020).

### **§16507. Definitions**

A. For the purposes of Regulation 114 the following terms shall have the meaning ascribed herein unless the context clearly indicates otherwise.

*Candidate*—an individual seeking a claims adjuster license.

*Claims Adjuster*—an individual who investigates or adjusts losses on behalf of an insurer as an independent contractor or as an employee of:

- a. an adjustment bureau;
- b. an association;
- c. a property and casualty producer;
- d. an independent contractor;
- e. an insurer; or
- f. a managing general agent.

*Commissioner*—the Commissioner of Insurance for the state of Louisiana.

*Instructor*—a subject matter expert presenting course activities or information in a classroom setting, whether in person or via the internet.

*Person*—an individual or a business entity.

*Program*—a program of education designed to instruct individuals in the duties and responsibilities of claims adjusters and the insurance laws and regulations of this state which meets the requirements of this regulation and is approved by the commissioner.

*Provider*—an entity presenting a claims adjuster pre-licensing education program.

*Self-Study Program*—an internet, CD-ROM, DVD or other computer-based presentation or a correspondence course.

*Supervisory Instructor*—an instructor responsible for the conduct of any other instructors or guest instructors and responsible for assuring the quality of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46: 38 (January 2020).

### **§16509. Claims Adjuster Pre-Licensing Education Program Optional**

A. Nothing in this regulation shall be construed to require participation in such program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46: 38 (January 2020).

### **§16511. Posting of Information for Claims Adjuster Pre-Licensing Education**

A. The commissioner shall make available on the website of the Louisiana Department of Insurance the following information:

1. the name and contact information for all providers of programs approved pursuant to this regulation;
2. the line or lines for which each program is approved;
3. the annual pass/fail ratio for each approved program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:38 (January 2020).

### **§16513. Program Approval Requirements**

A. An application submitted by a provider for approval of a program shall be submitted to the commissioner a minimum of 30 days prior to the actual use of the program. Each application shall be on the form and in the format required by the commissioner and shall include:

1. the full legal name and Federal Employer Identification Number (FEIN) of the provider of the program;
2. a statement designating the line or lines of insurance for which the provider is seeking approval of the program;
3. an outline of the program including a list of resource material to be used, a copy of the textbook to be used, a description of the training aids to be used, a detailed description of the program, a schedule of the program which clearly indicates the time spent on each subject and the cost of the program to each candidate;
4. a statement of the method used to determine whether there has been a positive achievement of education on the part of the candidate taking the program; such method may be a written examination, a written report by the candidate, certification by the provider of the attendance or completion of the program by the candidate, or any other method approved by the commissioner as appropriate for the subject;
5. if the program is not a self-study program, a schedule of locations (including physical address including room or suite number) where the program will be offered and a schedule of times and dates when the program will be offered; any change in the schedule of locations, dates or time of program presentation or additional presentations of the program shall be filed with the commissioner not less

than three days prior to the scheduled beginning date of the program presentation; all facilities shall meet the requirements as set forth in this regulation;

6. a description of the measures used by the provider to verify the identity of the candidates;

7. if the program is a self-study program, a description of the technical support available to candidates including the business hours of the support and the proposed length of time for response by the provider to any inquiries;

8. if the program is a self-study program, a user ID and log-in credentials to permit viewing of the program that will be presented to the candidates.

B. Any assertion for program material to be deemed confidential, proprietary or trade secrets must be made pursuant to R.S. 44:3.2.

C. In order for a program to be approved, the program content shall, at a minimum, directly correlate to the topics included in the current examination content outlines. Programs may be approved for the following lines and shall provide the indicated minimum number of credit hours for each line for which it is approved:

1. automobile—8 credit hours;
2. commercial lines—20 credit hours;
3. crop—8 credit hours;
4. personal lines—20 credit hours;
5. property and casualty—30 credit hours;
6. workers' compensation—8 credit hours.

D. A provider shall notify the commissioner of any material change in the information submitted with an application for approval a minimum of 30 days prior to the scheduled beginning date of the program presentation. A material change shall include any of the following:

1. change(s) to the instructors or the supervisory instructor of the program;
2. change(s) to the facility where the program will be presented;
3. change(s) to the text books, resource material or training materials to be used in the program.

E. If a provider utilizes published program materials, including text books, outlines or other similar materials, each candidate must be provided with a complete original copy of the material as part of the fee for the course. This material shall be retained by the candidates. The provider may not require the candidates to return or resell this material to the provider. No substitute text books, outlines, summaries or copyright infringement is permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:38 (January 2020).

#### **§16515. Program Expiration**

A. Approval of a program shall expire three years from the date of the commissioner's initial approval. A provider may request renewal of the approval by submitting all information required by this regulation to the commissioner a minimum of 60 days prior to the expiration of the approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:39 (January 2020).

#### **§16517. Provider Approval Requirements**

A. A provider for a program shall be one of the following:

1. an insurance trade association;
2. an insurance company admitted to do business in Louisiana;
3. an accredited public or private college or university;
4. a person otherwise certified by the commissioner.

B. A person seeking approval as a provider for a program from the commissioner shall submit an application to the commissioner on the forms required. The application shall include:

1. the full, legal name and Federal Employer Identification number (FEIN) of the person making application;
2. the names and addresses of every officer, director, partner or member of the provider;
3. the names and addresses of every person owning, directly or indirectly, 10 percent or more of the provider;
4. the name, address and a description of the professional qualifications of each instructor and the supervisory instructor of the provider;
5. the principal place of business of the provider;
6. certification from the provider that all instructors and the supervisory instructor presenting the program meet the requirements as set forth in this regulation;
7. a general description of the types of programs presented by the provider;
8. a description of the qualifications and experience of the persons responsible for the creation of the programs;
9. the fee required by R.S. 22:821(29);
10. such other information as the commissioner may require to confirm compliance with this regulation.

C. Every provider shall maintain a signed statement from each instructor and the supervisory instructor describing the basis for his/her qualification and affirmation that he/she shall comply with the requirements of this regulation.

D. Every approved provider shall notify the commissioner of any material change in the information submitted with the application within 30 days of the effective date of the change. Every such notice shall include the same information as was required with the initial application. A material change shall include, but not be limited to:

1. a change of the name of the provider;
2. a change in the address of the provider;
3. a change of officer, director, partner or member of the provider;
4. the merger of the approved provider;
5. a change in ownership of 10 percent or more of the provider;
6. a change in an instructor or the supervisory instructor of the provider.

E. If the provider is a natural person, that natural person shall notify the commissioner of:

1. any administrative action taken against the provider for insurance related practices by any regulatory or governmental agency;
2. any conviction or entry of a nolo contendere plea to any felony, participation in a pretrial diversion program pursuant to a felony charge, or conviction of any misdemeanor involving moral turpitude or public corruption on the part of the provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:39 (January 2020).

#### **§16519. Provider Approval Expiration**

A. Every approval of a provider shall expire three years from the date of issuance of the commissioner's approval and may be renewed by filing a renewal application as required by the commissioner a minimum of 90 days prior to expiration.

B. Upon expiration of the commissioner's approval of a provider, the commissioner's approvals of the programs presented by that provider shall be rescinded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:40 (January 2020).

#### **§16521. Instructor Qualifications**

A. Every provider of a program shall designate an individual as a supervisory instructor. The supervisory instructor shall be responsible for the conduct of any other instructors or guest instructors and shall be responsible for assuring the quality of the program. Every supervisory instructor shall have a minimum of five years of insurance experience, and/or graduate level or professional education satisfactory to the commissioner.

B. All instructors shall meet at least one of the following criteria:

1. a minimum of three years of experience as an insurance instructor with experience in the subject area being taught;

2. have been licensed for at least five years as a producer, claims adjuster, or insurance consultant in this state or another;

3. hold a national designation directly related to the subject matter being taught;

4. be in a profession pertinent to the subject matter being taught.

C. Special consideration may be granted by the commissioner where it is determined that the specific background of the instructor or the supervisory instructor warrants such consideration.

D. Every instructor and supervisory instructor shall notify the provider and the commissioner of:

1. any administrative action taken against the instructor/supervisory instructor for insurance related practices by any regulatory or governmental agency;

2. any conviction or entry of a nolo contendere plea to any felony, participation in a pretrial diversion program pursuant to a felony charge or conviction of any misdemeanor involving moral turpitude or public corruption on the part of the instructor/supervisory instructor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:40 (January 2020).

#### **§16523. Training Facilities Requirements**

A. At a minimum, all training facilities shall:

1. provide an atmosphere conducive to educational presentation, including good housekeeping, controlled

environment as to heating and cooling, proper lighting and proper furnishing;

2. be easily accessible and secure for the safety of the candidates;

3. be dedicated for the exclusive use of the program while in session;

4. provide ready access to restrooms and other facilities of human needs to the candidates;

5. provide a proper layout so as to ensure that training aids, overhead viewing equipment and other such aids are easily visible by all candidates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:40 (January 2020).

#### **§16525. Program Oversight**

A. The commissioner or his designee shall have the authority to visit a training facility for the purpose of oversight and review at any time. Oversight visits may include the review of curriculum records, review of attendance records, observation of instructional sessions in progress, and any other aspects of the program deemed necessary by the commissioner to comply with the law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:40 (January 2020).

#### **§16527. Program Completion**

A. Every provider shall submit a report to the commissioner a minimum of 30 days from the program completion date of a candidate. The report shall be in a format compatible with the commissioner's specifications to facilitate the electronic reporting and transfer of attendance and successful completion information. The report shall contain the identification number assigned to the program by the commissioner, the name and such distinct information as necessary to clearly identify all candidates who successfully completed the program, and the date of completion.

B. Every provider shall present a certificate of successful completion to each candidate who successfully completes the program. This certificate shall be on a form acceptable to the commissioner and shall include the name of the candidate, the date of completion and the identification number assigned to the program by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:40 (January 2020).

#### **§16529. Fees**

A. All applications submitted to the commissioner seeking approval of a program or approval to become a provider shall be accompanied by the fee set forth in R.S. 22:821(29).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821, 22:1668, 22:1678, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:40 (January 2020).

#### **§16531. Complaints**

A. The commissioner shall review all complaints lodged against a program, a provider, an instructor or the supervisory

instructor of a program. Every provider shall respond to an inquiry from the commissioner regarding a complaint no later than 30 days from receipt of such inquiry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:41 (January 2020).

#### **§16533. Violations**

A. The commissioner may deny, suspend, or rescind the approval of a provider or a program should he find the program, provider, an instructor, or the supervisory instructor of the program has violated any provision of this regulation or any applicable provisions of the Louisiana Insurance Code, or that continued operation of the program is not in the best interest of the citizens of this state or the insurance buying public.

B. An aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with R.S. 22:2191 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, 22:2191 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:41 (January 2020).

#### **§16535. Effective Date**

A. Regulation 114 shall become effective upon final publication in the *Louisiana Register* and shall apply to any act or practice committed on or after the effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:41 (January 2020).

#### **§16537. Severability**

A. If any section or provision of Regulation 114 or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of Regulation 114 to any persons or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of Regulation 114 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:41 (January 2020).

James J. Donelon  
Commissioner

2001#014

#### **RULE**

##### **Department of Natural Resources Office of Conservation**

Oilfield Site Restoration  
(LAC 43:I.2301 and 2303)

The Department of Natural Resources, Office of Conservation has amended LAC 43:XIX, Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power

delegated under the laws of the state of Louisiana. The current Rule reflects the law at the time the Rule was first promulgated in 1995. Since then, the law has been changed multiple times, but the regulations have not been amended to reflect those changes. The amended Rule changes will make the regulations consistent with the law by incorporating the applicable law by reference. This Rule is hereby adopted on the day of promulgation.

#### **Title 43**

#### **NATURAL RESOURCES**

#### **Part I. Office of the Secretary**

#### **Subpart 2. Oilfield Site Restoration**

#### **Chapter 23. Oilfield Site Restoration Fund**

#### **§2301. Establishment of the Fund**

A. The Oilfield Site Restoration Fund is in the custody of the state treasurer and shall be a special custodial trust fund administered by the secretary in accordance with R.S. 30:86.

B. The fund shall be and remain the property of the commission.

C. The monies in the fund shall be used solely for the purposes of this Part.

D. The secretary shall make certifications to the secretary of the Department of Revenue as required by R.S. 30:86.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21:398 (April 1995), repromulgated LR 21:471 (May 1995), amended LR 46:41 (January 2020).

#### **§2303. Assessment of Fees**

A. Fees shall be assessed in the amounts set forth in and as provided for in R.S. 30:87.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21:398 (April 1995), repromulgated LR 21:472 (May 1995), amended LR 46:41 (January 2020).

Thomas Harris  
Secretary

2001#011

#### **RULE**

##### **Department of Public Safety and Corrections Board of Pardons and Committee on Parole**

Committee Procedures (LAC 22:XI.504)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Board of Pardons and Parole has amended its rules in LAC 22:XI.504. The amendment to §504 allows for parole to be rescinded prior to release under certain situation. This Rule is hereby adopted on the day of promulgation.

**Title 22**  
**CORRECTIONS, CRIMINAL JUSTICE AND LAW**  
**ENFORCEMENT**

**Part XI. Committee on Parole**

**Chapter 5. Meetings and Hearings of the Committee on Parole**

**§504. General Procedures**

A. Minutes. The committee's minutes of public hearings shall include the following information as applicable:

1. name and Department of Corrections (DOC) number of the offender;
2. name of counsel representing the offender (an offender docketed for a public hearing may be represented by counsel);
3. the vote of each member; and
4. the decision of the committee.

B. Votes

1. The vote of each panel member shall be recorded by name and date on the vote sheet.
2. Only those members present shall vote; voting by proxy is prohibited.
3. No vote shall be taken while the panel is in executive session.
4. The panel shall not rescind the original vote without conducting a new hearing, except as provided in §505.L, §513.A.1-3, and §711.
5. The original vote sheet shall remain in the inmate's DOC file and a copy shall be attached to the minutes and maintained in a separate locked file in the committee office.

C. Accuracy of Vote. The chairperson of the panel shall ensure that support staff reviews case records subsequent to voting to assure the accuracy of all documents.

D. Continuance/Recess. A majority vote is required to continue or recess a meeting or hearing. Generally, the matter will be rescheduled for the next month, but may be rescheduled for an earlier date if deemed appropriate by the panel (see §514, Voting/Votes Required).

E. Executive Session. A panel may go into executive session to discuss each offender's case prior to a decision pursuant to the provisions of R.S. 42:6, 42:6.1 and 15:574.12. No vote shall be taken while the panel is in executive session.

F. Observance of Proceedings. The committee may extend invitations to individuals to observe committee proceedings.

G. Testimony. The committee may direct questions to and/or request statements from anyone appearing before the committee.

H. Children Under 12. It is generally inappropriate for children under the age of 12 years, except when the child is a victim and chooses to appear, to be present during any public meeting or hearing of the committee.

I. Space and Security. The number of people supporting or opposing the granting of parole, including victims and/or family members of victims will be limited only by space and security considerations.

J. Meeting/Hearing Schedule. The chairman shall be responsible for schedules of business meetings and public hearings.

1. Such schedules may be changed, only upon prior notice, provided that such changes are made in a timely manner in order to notify all concerned.

2. Such meetings may be rescheduled without notice due to inclement weather, or any other emergency or unforeseen situation.

K. Upon notification by the secretary of the Department of Public Safety and Corrections that an offender has violated the terms of work release granted under §311 or has engaged in misconduct prior to the inmate's release, the committee may rescind its decision to grant parole. In such cases, the inmate shall promptly receive another parole hearing.

1. The board may choose to automatically rescind and change the decision for granting of parole under the below conditions:

- a. subject received a disciplinary report that the board was unaware of at the time of the hearing;
- b. time calculation adjustments, causing the subject to become ineligible for parole or pushing his parole eligibility dates past the allowed grant time frame;
- c. refusing to comply with post and/or prior to release conditions set forth by the panel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.2 et seq., R.S. 15:535 et seq., and R.S. 15:540 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, Committee on Parole, LR 41:44 (January 2015), amended LR 46:42 (January 2020).

Sheryl M. Ranatza  
Board Chair

2001#065

**RULE**

**Department of Revenue**  
**Policy Services Division**

Election of Pass-Through Entities  
(LAC 61:I.1001)

Under the authority of Act 442 of the 2019 Regular Session of the Louisiana Legislature, which authorizes S corporations, and other pass-through entities, to elect to be taxed as C corporations for Louisiana income tax purposes in accordance with LA R.S. 47:287.732(B), 287.732.2, 293, 297.14, 1506, 1517, and 1675 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has adopted LAC 61:I.1001 to provide procedure for making such election, the documents which must be submitted by an electing entity and the procedure for terminating the election. This Rule is hereby adopted on the day of promulgation.

**Title 61**

**REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered by the**  
**Secretary of Revenue**

**Chapter 10. Income: Pass-Through Entities**

**§1001. Election of Pass-Through Entities**

A. Act 442 of the 2019 Regular Session of the Louisiana Legislature, allows S corporations, and other entities taxed as partnerships for federal income tax purposes, to make an election to be taxed in the same manner as if the entity was required to file a tax return with the Internal Revenue Service as a C corporation.

1. The income of entities that make the election under LA R.S. 47:287.732.2 shall be taxed at the following rates:

- a. two percent upon the first \$25,000 of Louisiana taxable income;
- b. four percent upon the amount of Louisiana taxable income above \$25,000 but not in excess of \$100,000; and
- c. six percent upon the amount of Louisiana taxable income above \$100,000.

B. Requirements to Make the Election

1. Shareholders, members or partners holding more than one-half of the ownership interest in the entity based upon capital account balances on the day the election is made shall approve the election.

2. The entity shall provide the Department of Revenue at the time of making the election either:

- a. a resolution signed by secretary of the corporation or equivalent officer or manager verifying that more than one-half of the ownership interest in the entity based upon capital account balances approved the election, or
- b. other written proof that more than one-half the ownership interest in the entity approved the election.

3. An entity shall make the election on Form R-6980, *Tax Election for Pass-Through Entities* and the form shall be submitted to the Department of Revenue by email to Section732.2election@la.gov.

a. The following documentation shall be attached to Form R-6980:

- i. a list of all owners, their addresses and their tax identification numbers as of the last day of the taxable year to which the election is effective;
- ii. federal returns for the entity for the preceding three taxable years if applicable, including form K-1s and pass-through or disregarded entity forms such as Schedules C, E, and F;
- iii. a copy of the federal S corporation election form, if applicable;
- iv. formation documents of the entity such as the Articles of Incorporation, Partnership Agreement or Operating Agreement which specifically set forth how profits, losses and other tax items are distributed to the owners;
- v. a list of all unused Louisiana net operating losses, tax credit balances and other tax items earned at the entity level prior to the election; and
- vi. any audit reports issued by certified public accountants for the preceding three taxable years, if applicable.

4. Any entity who files a composite partnership return pursuant to LA R.S. 47:201.1 is prohibited from making the election.

5. Elections are timely if made: at any time during the preceding taxable year of the year in which the election is first effective; at any time during the taxable year in which the election is first effective or on or before the 15<sup>th</sup> day of the fourth month after the close of the taxable year in which the election is first effective.

a. The department will begin accepting elections on February 1, 2020 for taxable years beginning on or after January 1, 2019.

b. The secretary has the discretion to treat an election made after the fifteenth day of the fourth month after the close of the taxable year in which the election is first effective as

timely if reasonable circumstances exist for the entity's failure to make a timely election.

i. The secretary shall consider whether to treat applications filed after the fifteenth day of the fourth month after the close of the taxable year as filed timely on a case-by-case basis.

ii. Reasonable circumstances may include, but are not limited to, death or serious illness of owners, death or serious illness of the entity's tax preparer, or federally declared natural disasters or emergencies.

iii. A determination that the entity and its owners will pay less total tax under the election shall not be a reasonable circumstance to consider a late election timely.

c. An election, once made, is effective for the entire taxable year for which it was made as well as all subsequent taxable years until the election is terminated.

C. Filing Tax Returns after Election

1. Each entity making the election shall file Louisiana Form CIFT-620, *Corporation Income Tax and Franchise Tax Return*, for the applicable taxable year for which the election was made and all taxable years thereafter unless the election is terminated.

2. Each entity making the election and filing the Louisiana Form CIFT-620 with all supporting documentation as required by the Department shall be required to file the return electronically in accordance with LAC 61:III.1505. Failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

3. The following documents shall be attached to the Louisiana Form CIFT-620 when filed:

a. A *pro forma* Federal Form 1120 completed as if the entity had filed as a C corporation for federal income tax purposes including all necessary federal schedules to compute the amount of federal tax that would have been due;

b. Schedule K-1s as actually issued to the owners of the entity for the taxable year as well as Form R-6981, *Statement of Owner's Share of Entity Level Tax Items*, reflecting any income that remains taxable to the entity's owners in Louisiana after the election such as dividends and interest; and

c. Form R-6982, *Schedule of Tax Paid if Paid by Owner*, calculating how much tax would have been due if the entity had passed the income through to its owners and the tax had been paid at the owner level.

4. Resident individual taxpayers with an ownership interest in an entity making this election shall make a modification on Schedule E of their Louisiana Form IT-540, *Louisiana Resident Income Tax Return*, in accordance with LA R.S. 47:297.14. A non-resident or part-year resident shall make the modification on the Nonresident and Part-Year Resident (NPR) Worksheet of the Louisiana Form IT-540B, *Louisiana Nonresident and Part-Year Resident Income Tax Return*.

a. The modification shall be made for all income or loss of the entity that was included by the individual owners in the calculation of federal adjusted gross income but which is being taxed at the entity level for Louisiana income tax purposes after the election is made.

b. The modification shall not be made for any income or loss that remains taxable for Louisiana individual income tax purposes to the entity's owners such as interest income and dividend income.

c. For calculation purposes, individual income taxpayers with an ownership interest in an entity making the election shall submit a *pro forma* Federal Form 1040 that excludes any income, deductions or other tax items that were included in the calculation of Louisiana net income on the entity's Louisiana Form CIFT-620.

#### 5. Net Operating Losses

a. Louisiana net operating losses recognized in taxable years prior to the election that have previously been passed through to the owners are tax items of the owners and any such losses are not available for utilization at the entity level in taxable years to which the election applies.

b. Louisiana net operating losses for any taxable year to which the election applies are tax items of the entity and any such losses shall not pass through to the owners of the entity regardless of whether or not the election is terminated in a future taxable year.

#### 6. Tax Credits Granted to Pass-Through Entities

a. Louisiana tax credits earned in taxable years prior to the election that have previously passed through to the owners are tax items of the owners and any such credits are not available for utilization at the entity level in taxable years to which the election applies.

b. Louisiana tax credits earned for any taxable years to which the election applies are tax items of the entity and any such credits shall not pass through to the owners of the entity regardless of whether or not the election is terminated in a future taxable year.

D. Termination of the Election. Entities who make the election pursuant to LA R.S. 47:287.732.2, may apply to the secretary of the Department of Revenue to terminate the election. Any such termination request requires the written approval of more than one-half the of the ownership interest based upon capital account balances on the date the request is submitted.

1. The secretary may terminate the election if the entity shows a material change in circumstances.

a. A significant change in federal law may be considered a material change in circumstances.

b. A tax increase resulting from the decision to make the election, in and of itself, shall not be considered a material change in circumstances.

2. The entity shall request to terminate the election by submitting a private letter request to the Policy Services Division of the Department of Revenue in accordance with LAC 61:III.101.(C)(2)(a).

a. The entity must provide the Department either:

(i) A resolution signed by secretary of the corporation or equivalent officer or manager verifying that more than one-half the ownership interest in the entity based upon capital account balances approved the election, or

(ii) Other written proof that more than one-half the ownership interest in the entity based upon capital account balances approved the request for termination.

3. Once the entity has filed a Louisiana income tax return for a taxable year for which the election has been made or a subsequent taxable year, the secretary shall not grant a termination of the election to apply to such taxable year for which a return has already been filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:47:287.732(B), 287.732.2, 293, 297.14, 1511, and 1675.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 46:43 (January 2020).

Kimberly Lewis Robinson  
Secretary

2001#021

## RULE

### Department of Revenue Sales and Use Tax Commission for Remote Sellers

#### Mandatory Electronic Filing of Remote Sellers Tax Returns and Payment of Related Sales and Use Tax (LAC 61:III.1537 and 1538)

Under the authority of R.S. 47:1519, 47:1520, and 47:340, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Sales and Use Tax Commission For Remote Sellers has adopted LAC 61:III.1537 and 1538 to provide mandatory electronic filing and payment requirements for the remote sellers tax return.

R.S. 47:340(F) gives the Sales and Use Tax Commission the same collection powers enjoyed by the secretary of the Department of Revenue under chapter 18, subtitle II of Title 47; which includes those provided by R.S. 47:1519(B)(1) and R.S. 47:1520(A)(2). The purpose of this regulation is to mandate electronic filing of all remote seller tax returns and electronic payment of all related sales and use tax. This Rule is hereby adopted on the day of promulgation.

#### Title 61

#### REVENUE AND TAXATION

#### Part III. Administrative and Miscellaneous Provisions Chapter 15. Mandatory Electronic Filing of Tax Returns and Payment

#### §1537. Remote Seller Tax Return—Electronic Filing Requirements

A. For tax periods beginning on or after July 1, 2020, every remote seller shall be required to file the remote sellers tax return electronically with the Sales and Use Tax

Commission for Remote Sellers (the “commission”) using the electronic format prescribed by the commission.

B. Remote sellers may not send paper versions of any returns required to be filed.

C.1. R.S. 47:340(F) allows the commission to use the administrative provisions found in chapter 18 of subtitle II of the revised statutes in the same manner as the secretary of the Department of Revenue. Therefore, failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 47:1520(B) per authority granted to the commission in R.S. 47:340(F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1520 and 47:340.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Sales and Use Tax Commission for Remote Sellers, LR 46:44 (January 2020).

### **§1538. Remote Seller Derived Sales and Use Tax - Electronic Payment Required**

A. Effective for all taxable periods beginning on or after July 1, 2020, all payments by any remote seller shall be electronically transferred to the commission on or before the twentieth day following the close of the reporting period using the electronic format provided by the commission.

B. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided in applicable state law and local ordinances.

C. If a remote seller has made a good faith attempt and exercises due diligence in initiating a payment according to this rule, but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived by the commission. Before a waiver will be considered, remote sellers must furnish the commission with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

D. In any case where the remote seller can prove payment by electronic funds transfer would create an undue hardship, the commission shall exempt the remote seller from the requirement to transmit funds electronically.

E. The tax returns must be filed electronically, separately from the electronic transmission of the remittance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1519 and 47:340.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Sales and Use Tax Commission for Remote Sellers, LR 46:45 (January 2020).

Kimberly L. Robinson  
Secretary

2001#018

## **RULE**

### **Department of Revenue Sales and Use Tax Commission for Remote Sellers**

#### **Policy Statements and Guidance (LAC 61:III.2901 and 2903)**

Under the authority of and in accordance with R.S. 47:340(F) and the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Sales and Use Tax Commission for Remote Sellers (“the commission”) has adopted the Rule to provide general definitions as well as to define the types of policy statements and guidance to communicate the commission’s position and to ensure the correct, consistent and fair enforcement of tax laws. This Rule is hereby adopted on the day of promulgation.

#### **Title 61**

#### **REVENUE AND TAXATION**

#### **Part III. Administrative and Miscellaneous Provisions Chapter 29. Louisiana Sales and Use Tax Commission for Remote Sellers**

#### **§2901. Definitions**

A. The terms not otherwise defined in this Chapter shall be defined as provided in R.S. 47:301(4)(m) and R.S. 47:339 unless another definition is specifically modified.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

*Commission*—the Louisiana Sales and Use Tax Commission for Remote Sellers.

*Local Taxing Authority*—those parishes, municipalities, special tax districts, political subdivisions, parish governing bodies, and school boards, who are authorized under the provisions of the Constitution of Louisiana, the Louisiana Revised Statutes of 1950 and jurisprudence to levy and collect local sales and use taxes.

*Remote Sales*—sales, delivered into Louisiana, made by a remote seller.

*Remote Seller(s)*—a seller who sells for sale at retail, use, consumption, distribution, or for storage to be used for consumption or distribution any taxable tangible personal property, products transferred electronically, or services for delivery within Louisiana but who lacks physical presence in Louisiana, and is not considered a dealer as defined by R.S. 47:301(4)(a) through (l).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:340(F).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Sales and Use Tax Commission for Remote Sellers, LR 46:45 (January 2020).

#### **§2903. Commission Policy Statements and Guidance**

##### **A. Purpose**

1. This Rule defines the types of policy statements that may be issued and the procedures for issuing them. Policy statements provide guidance to communicate the



commission's position and ensure the correct, consistent and fair enforcement of tax laws.

2. The commission will issue the following policy statements:

- a. rules adopted according to the Administrative Procedure Act;
- b. policy and procedure memoranda;
- c. declaratory rulings:
  - i. private letter rulings;
  - ii. commission rulings; and
  - iii. statements of acquiescence or nonacquiescence;
- d. commission information bulletins; and
- e. informal advice.

3. All policy statements or guidance issued by the commission are binding regarding only the state and local taxes collected by the commission.

#### B. Distinguishing Rules from Other Policy Statements

1. Rules are adopted in accordance with Louisiana's Administrative Procedure Act (APA), R.S. 49:950 et seq., and the APA is the authoritative guide as to when a rule is required.

2. The APA excepts agency statements, guides, or requirements for conduct or action that regulate the internal management of the agency from the definition of a Rule [R.S. 49:951(6)]. Policy and Procedure Memoranda are issued under this exception.

3. The APA also provides that "The fact that a statement of policy or an interpretation of a statute is made in the decision of a case or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts involved does not render the same a rule within this definition or constitute specific adoption thereof by the agency so as to be required to be issued and filed as provided in this Subsection" [R.S. 49:951(7)]. The term Rule "does not include declaratory rulings or orders." [R.S. 49:951(6)]. Declaratory rulings are issued under these exceptions.

4. General information may be disseminated and general assistance provided, but remote sellers are only bound by statutes and regulations that have the force and effect of law. Commission information bulletins and informal advice offered to remote sellers do not establish legal requirements.

5. Within the parameters set forth by the APA, Title 47, and other applicable laws, discretion may be used to determine if policy guidance is needed and the type of policy guidance to be issued.

6. Reasons for issuing a rule may include:

- a. the law or current rules are not clear and the issue affects many people;
- b. there is inconsistency in the treatment of a tax issue among remote sellers;
- c. the procedures a remote seller should follow to comply with the law are undefined, unclear, or inconsistently followed;
- d. a request for a private letter ruling from one remote seller concerns an issue that may affect many;
- e. a request for policy guidance from employees concerns an issue that may affect many remote sellers; or
- f. issuance of a rule will assist the public in meeting its legal obligations in an effective and efficient manner.

7. Reasons for not issuing a rule may include:

- a. the matter affects only one remote seller;
- b. the law is clear;
- c. a statutory change is more desirable; or

d. the matter may best be handled by another means.

#### C. Declaratory Rulings

1. Declaratory rulings are statements pertaining to a specific set of facts to provide guidance for commission employees and remote sellers. Declaratory rulings, policy and procedure memoranda, commission information bulletins, and informal advice are not agency or commission rules and are not binding on the public.

2. The following types of declaratory rulings will be issued with a uniform format and numbering system. Each declaratory ruling will indicate the date the ruling was issued, a summary title of what the ruling addresses (subject heading), whether it replaces, modifies, or supersedes a previous policy statement, applicable references and authority, a statement of scope, and other pertinent information.

##### a. Private Letter Rulings

i. Private letter rulings (PLR) provide guidance to a specific remote seller at the remote seller's request. It is a written statement issued to apply principles of law to a specific set of facts or a particular tax situation. A PLR does not have the force and effect of law.

ii. A PLR is not binding on the person who requested it or on any other remote seller. It is binding on the commission only as to that remote seller and only if the facts provided were truthful and complete and the transaction was carried out as proposed. It continues as authority for the commission's position unless a subsequent declaratory ruling, rule, court case, or statute supersedes it.

iii. Requests for PLR are submitted to the commission by an identified remote seller, or the remote seller's representative who has a power of attorney. Requests must contain the following information:

- (a). name, address, and telephone number of person requesting the advisory opinion;
- (b). a power of attorney, if the remote seller is represented by a third party;
- (c). specific questions to be answered or issues to be addressed;
- (d). complete statement of all relevant facts;
- (e). citations to or copies of relevant statutes, regulations, court decisions, advisory opinions, or other authority that appear to support the remote seller's position;
- (f). copies of relevant documents such as account statements, workpapers, reports, invoices, etc.; and
- (g). a statement attesting:
  - (i). whether the remote seller requesting the opinion has the same issue under audit or appeal with the commission or any other taxing or revenue authority;
  - (ii). if the remote seller requesting the opinion has been notified that an examination or audit is pending;
  - (iii). if the remote seller requesting the opinion is litigating the issue;
  - (iv). if the commission, or any other taxing or revenue authority, has previously issued an advisory opinion on the same issue (with copy attached); and
  - (v). if the Attorney General's Office has been, or will be, requested to issue an opinion concerning the issue; and
  - (vi). that, prior to the issuance of a PLR, if the requesting remote seller is notified of a pending

examination or audit by the commission or other taxing or revenue authority, they will notify the commission of the pending examination.

iv. PLRs may be published but only after all remote seller identifying information has been removed and measures are taken to protect taxpayer confidentiality.

v. A PLR request may not be used to delay or interrupt an audit.

vi. Reasons for issuing a private letter ruling may include:

(a). it has been requested by an identified remote seller, or the remote seller's representative who has a power of attorney; and

(b). the law and regulations are not clear.

vii. Reasons for not issuing a private letter ruling may include:

(a). the law and regulations are clear;

(b). a rule would be more appropriate under the APA;

(c). the inquiry concerns alternative treatments or purely hypothetical situations;

(d). the inquiry concerns matters scheduled for audit or in audit, appeal, or litigation;

(e). the inquiry concerns an issue that is being litigated or may be litigated in the near future;

(f). the request is incomplete because it does not contain all of the information required by §2903.C.2.a.iii;

(g). the request can best be handled by another means; or

(h). the requesting remote seller withdraws the request at any point prior to issuance of the PLR.

b. Commission Rulings

i. A commission ruling provides guidance to the public and employees.

(a). It is a written statement issued to apply principles of law to a specific set of facts.

(b). A commission ruling does not have the force and effect of law and is not binding on the public. It is a statement of the commission's position and is binding on the commission until superseded or modified by a subsequent change in statute, regulation, declaratory ruling, or court decision.

(c). A commission ruling is requested by commission members or employees, who provide a complete factual and legal background similar to that required of remote sellers requesting a private letter ruling.

(d). A commission ruling request cannot be used to delay or interrupt an audit.

ii. Temporary commission rulings may be issued when necessary due to time constraints or emerging issues.

(a). Temporary commission rulings must clearly state their lack of finality and once a final commission ruling is issued, the temporary commission ruling is superseded.

(b). If the final commission ruling reaches a different conclusion than the temporary commission ruling, the commission will honor whichever ruling is more favorable to the remote seller, but only for those transactions that occurred after the temporary commission ruling was issued and before the final commission ruling.

iii. Reasons for issuing a commission ruling may include:

(a). to provide an official interpretation of rules, regulations, statutes, court cases, Board of Tax Appeals decisions, or any other sources of law as to a specific set of facts;

(b). to serve as guidance to remote sellers, tax practitioners, and employees if the law or regulations are not clear as to a specific set of facts.

iv. Reasons for not issuing a commission ruling may include:

(a). the law and regulations are clear;

(b). a rule would be more appropriate under the APA;

(c). the inquiry concerns an issue that is being litigated or may be litigated in the near future;

(d). the facts contain information that could identify a remote seller and the remote seller has not consented to publication of the commission ruling or there are other confidentiality concerns; and

(e). the request can best be handled by another means.

c. Statements of Acquiescence or Nonacquiescence

i. A statement of acquiescence or nonacquiescence (SA/SNA) is intended to provide guidance to the public and to employees.

ii. A SA/SNA is a written statement issued to announce the commission's acceptance or rejection of specific unfavorable court or administrative decisions. If a decision covers several disputed issues, a SA/SNA may apply to just one of them, or more, as specified.

iii. A SA/SNA is not binding on the public, but is binding on the commission unless superseded by a later SA/SNA, declaratory ruling, rule, statute, or court case.

iv. If the commission acquiesces, these guidelines will be followed.

(a). In cases that are substantially the same as the facts, the same result will be reached by commission officials and may be relied on by employees and remote sellers. Remote sellers must be careful to apply acquiescence to the same or substantially the same facts. Acquiescence does not mean agreement with the court's reasoning; simply that the commission will abide by it.

(b). The commission may acquiesce in the result only, which only concedes the litigation with that particular remote seller. The issue may still be pursued with other remote sellers. This indicates that the commission will likely seek out another opportunity to litigate the issue with the hope of having the issue addressed by an authoritative court.

(c). The commission may consider any of the following factors in deciding whether to issue a statement of acquiescence or nonacquiescence:

(i). whether the issue in the court or administrative decision affects many remote sellers;

(ii). whether the issue is one of fact or law, or a mixed question;

(iii). whether the decision is binding statewide with no statement needed;

(iv). whether other cases on the same or a similar issue are pending;

(v). whether cases in other jurisdictions have been decided, and in whose favor;

(vi). the cost of litigation as it relates to that issue, as well as overall;

- (vii). the clarity of the applicable statutes and regulations on the disputed issue;
- (viii). the soundness of the reasoning of the decision; or
- (ix). the likelihood of success if the commission relitigates the issue.

#### D. Other Types of Policy Guidance

##### 1. Policy and Procedure Memorandum

a. A policy and procedure memorandum (PPM) is an internal document providing internal administrative or management guidance to employees. A PPM does not have the force and effect of law and is not binding on the public. It does not focus on remote sellers' substantive or procedural rights or obligations. It is binding on employees.

b. A PPM may be issued for any of the following reasons:

- i. to notify employees of internal policies that apply only to employees and do not apply to remote sellers;
- ii. to notify employees of internal procedures and instructions that do not apply to remote sellers; or
- iii. to inform employees of internal programs that affect only employees.

c. A PPM may not be the appropriate policy statement if:

- i. a remote seller's substantive or procedural rights or obligations would be affected; or
- ii. a rule would be more appropriate under the APA.

##### 2. Commission Information Bulletin

a. A commission information bulletin (CIB) is an informal statement of information issued for the public and employees that is general in nature. A CIB does not have the force and effect of law and is not binding on the public or the commission. CIBs will be established in a standard format and issued in sequence.

b. A CIB announces general information useful in complying with the laws administered by the commission and may be issued under any circumstance deemed necessary by the commission including:

- i. to inform the public and employees that a statute or regulation has been added, amended, or rescinded;
- ii. to inform the public and employees that a case has been decided;
- iii. to publish information to employees and the public that is based on data supplied by other agencies, such as comparative tax collections by parish;
- iv. to publish information such as deadlines;
- v. to inform the public of services offered by the commission, such as office hours, website features, and like information; or
- vi. to revise a previous CIB or other similar publication.

##### 3. Informal Advice

a. In addition to rules, declaratory rulings, policy and procedure memoranda, and commission information

bulletins, remote sellers and employees may still seek advice on tax questions. To assist customers, the commission will provide informal advice. Informal advice does not have the force and effect of law and is not binding on the commission, the public, or the person who asked for the advice. Informal advice will have no effect on an audit.

b. Any of the following types of informal advice may be provided.

i. Informal Oral Advice. There is no formal procedure for requesting informal oral advice. Employees will answer questions by telephone or in person as requested, within resource and appropriateness constraints. Advice given at audit meetings, protest conferences, and the like is considered informal oral advice.

ii. Informal E-Mail Advice. Has the same status as informal oral advice.

iii. Informal Written Advice. Requests for informal written advice should be in writing. Informal written advice is not a declaratory ruling.

iv. Newsletters, Pamphlets, and Informational Publications. The commission may publish informational newsletters, pamphlets, and publications at regular intervals. Statements contained in these publications do not have the force and effect of law and they are not binding on the public or the commission. They are merely helpful tools for disseminating information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:340(F).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Sales and Use Tax Commission for Remote Sellers, LR 46:45 (January 2020).

Kimberly L. Robinson  
Secretary

2001#020

## RULE

### Department of the Treasury Board of Trustees of the Louisiana State Employees' Retirement System

Emergency Refund, Transferring Credit,  
Survivor's Benefits, and Disability Applications  
(LAC 58:I.1301, 1503, 1901-1909, 2501 and 2503)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") amends in part and repeals in part provisions contained in Chapters 13, 15, 19 and 25 of Part I of LAC Title 58. Sections 1901, 1903, 1905, 1907, 1909, 2501 and 2503 are repealed in their entirety because they are redundant and simply repeat provisions found in statutory law. In addition, the Rule changes remove an outdated prohibition in §1503 forbidding DROP participants from transferring credit and add a provision in §1301 to allow review, on a case-by-case basis, to persons seeking an emergency refund who have received a notice of repossession of their vehicle. This Rule is hereby adopted on the day of promulgation.

**Title 58**  
**RETIREMENT**

**Part I. Louisiana State Employees' Retirement System**  
**Chapter 13. Emergency Refunds**

**§1301. Conditions Giving Rise to an Emergency Refund**

A. - A.2. ...

3. an emergency situation of the member, which shall consist of the foreclosure on a member's domicile, repossession of the member's vehicle, or eviction of the member from his or her apartment. A document filed in the official legal proceeding for foreclosure or repossession or a notice of eviction shall be required as proof to qualify under this provision. Notices of repossession drafted in compliance with R.S. 6:966 may be reviewed by staff on a case-by-case basis.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515 and R.S. 11:537(B).

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 23:1710 (December 1997), LR 31:107 (January 2005), LR 32:1466 (August 2006), amended LR 46:49 (January 2020).

**Chapter 15. Purchases and Transfers of Service**

**§1503. Transfers of Service; Other Requirements**

A. - A.1. ...

2. an active member of a public retirement system maintained primarily for officers and employees of the state of Louisiana, or any political subdivision thereof, or of any district, board, commission, or other agency of either, or any other such public entity who has been a member of such system for at least six months and who has membership credit in such system shall have the option of transferring all of his credit from such system he is currently contributing to or to the system in which he last contributed. However, membership in a public retirement system cannot be changed to another public retirement system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:143 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 46:49 (January 2020).

**Chapter 19. Survivors' Benefits**

**§1901. Application for Benefits**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:471 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), repealed LR 46:49 (January 2020).

**§1903. Qualified Survivors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:472, R.S. 11:473, R.S. 11:474, R.S. 11:475, R.S. 11:480 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), repealed LR 46:49 (January 2020).

**§1905. Proof of Entitlement to a Survivors' Benefit**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:477 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the Louisiana State Employees' Retirement System, LR 22:373 (May 1996), repealed LR 46:49 (January 2020).

**§1907. Qualification for Benefit to Handicapped Children**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), repealed LR 46:49 (January 2020).

**§1909. Children of Previous Marriage**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:475 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), repealed LR 46:49 (January 2020).

**Chapter 25. Procedures for Processing Disability Applications**

**§2501. Application for Disability Retirement**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1957 (October 1998), LR 27:1580 (September 2001), repealed LR 46:49 (January 2020).

**§2503. Disability Board Physician's Recommendation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1958 (October 1998), LR 27:1580 (September 2001), repealed LR 46:49 (January 2020).

Cindy Roegeou  
Executive Director

2001#015

**RULE**

**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

Alligators  
(LAC 76:V.701)

The Wildlife and Fisheries Commission has amended the alligator regulations governing alligator hide tag fees. The action temporarily suspends the alligator hide tag fee by \$1.00, thereby reducing the tag fee from \$4.00 per tag to \$3.00 per tag for license years 2020 and 2021. This

temporary reduction will automatically end December 31, 2021. This Rule is hereby adopted on the day of promulgation.

#### **Title 76**

### **WILDLIFE AND FISHERIES**

#### **Part V. Wild Quadrupeds and Wild Birds**

#### **Chapter 7. Alligators**

#### **§701. Alligator Regulations**

A. – A.3.p. ...

##### **4. Licenses, Permits and Fees**

a.i. The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of R.S. Title 56, or as prescribed in these regulations, and are:

(a). \$25 for a resident alligator hunter's license; including commercial, helper, sport and nuisance classes;

(b). \$150 for a nonresident alligator hunter's license; including landowner and sport classes;

(c). \$25 for a resident fur buyer's license;

(d). \$100 for a nonresident fur buyer's license;

(e). \$150 for a resident fur dealer's license (\$500 deposit required);

(f). \$300 for a nonresident fur dealer's license (\$1,000 deposit required);

(g). \$10 for a nongame quadruped exhibitor's license;

(h). \$25 for a nongame quadruped breeder's license;

(i). \$50 for an alligator parts dealer license;

(j). \$5 for an alligator parts retailer license;

(k). \$4 for each alligator hide tag, except for license years 2020 and 2021 in which the fee for each alligator hide tag shall be \$3;

(l). \$4 for each whole alligator leaving the state as alligator shipping label fee;

(m). \$0.25 severance tax for each alligator hide taken from within the state;

(n). \$25 for a designated agent collection permit.

A.4.a.ii. – A.18.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004), LR 31:2267 (September 2005), LR 33:677 (April 2007), LR 35:690 (April 2009), LR 37:2421 (August 2011), LR 39:2291 (August 2013), LR 42:909 (June 2016), LR 43:90 (January 2017), LR 46:50 (January 2020).

Jack Montoucet  
Secretary

2001#050

#### **RULE**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

#### **Sharks and Sawfishes—Harvest Regulations (LAC 76:VII.357)**

The Wildlife and Fisheries Commission has amended a Rule (LAC 76:VII.357) by modifying the recreational minimum size limit for shortfin mako sharks (*Isurus oxyrinchus*) from 54 inches fork length to 71 inches fork length for male sharks and 83 inches fork length for female sharks. Authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:320.2(C), R.S. 56:326.1, and R.S. 56:326.3 to the Wildlife and Fisheries Commission. This Rule is hereby adopted on the day of promulgation.

#### **Title 76**

### **WILDLIFE AND FISHERIES**

#### **Part VII. Fish and Other Aquatic Life**

#### **Chapter 3. Saltwater Sport and Commercial Fishery**

#### **§357. Sharks and Sawfishes – Harvest Regulations**

A. – E.2. ...

F. Sharks taken under a recreational bag limit shall not be sold, purchased, exchanged, traded, bartered, or attempted to be sold, purchased, exchanged, traded, or bartered. A person subject to a bag limit shall not possess at any time, regardless of the number of trips or the duration of a trip, any shark in excess of the recreational bag limits or less than minimum size limits as follows.

1. All sharks taken under a recreational bag limit within or without Louisiana waters must be at least 54 inches fork length, except that the minimum size limit does not apply for Atlantic sharpnose or bonnethead sharks. Male shortfin mako sharks must be at least 71 inches fork length and female shortfin mako sharks must be at least 83 inches fork length. No sandbar or silky shark may be retained under a recreational bag limit.

F.2. – O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), R.S. 56:326(E)(2), R.S. 56:326.1, R.S. 56:326.3, R.S. 56:320.2(C), and R.S. 56:325.2(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:543 (March 1999), amended LR 27:2267 (December 2001), LR 30:1507 (July 2004), LR 35:705 (April 2009), LR 39:1062 (April 2013), LR 43:1188 (June 2017), LR 46:50 (January 2020).

Jack Montoucet  
Secretary

2001#049

## **RULE**

### **Workforce Commission Office of the Secretary**

#### **Interested Party Petitions (LAC 40:XIX.301)**

Under the authority of and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., specifically R.S. 49:953(C)(1), and through the authority granted in R.S. 36:304, the Workforce Commission has adopted LAC 40:XIX.301. The Rule sets forth the procedure that interested parties shall follow when petitioning the Louisiana Workforce Commission to promulgate, amend, or repeal any rule. This Rule is hereby adopted on the day of promulgation.

#### **Title 40**

#### **LABOR AND EMPLOYMENT**

#### **Part XIX. Louisiana Workforce Commission**

#### **Chapter 3. General Rules**

#### **§301. Interested Party Petitions**

A. Any interested person may petition the secretary of the Workforce Commission requesting the adoption, amendment, or repeal of a rule.

B. A petition for adoption, amendment, or repeal of a rule shall be styled as such and shall include:

1. the petitioner's name, mailing address, email address, and original signature;
2. the specific text or a description of the proposed language desired for amendment or adoption of a rule, or the specific rule and language identified for repeal; and
3. justification for the proposed action with a description of the intended effect.

C. The secretary of the Workforce Commission may deny any petition for adoption, amendment, or repeal of a rule that does not conform to the requirements of this Section.

D. After submission of a petition pursuant to this section, within 90 days of receipt, the secretary of the Workforce Commission either shall deny the petition in writing stating the reasons for denial, or shall initiate rulemaking proceedings in accordance with the Louisiana Administrative Procedure Act. The secretary retains sole discretion to grant or deny a petition.

E. Nothing herein shall be construed to require that the secretary of the Workforce Commission, in granting a petition for adoption, amendment, or repeal of a rule, adopt or employ the specific form or language requested by the petitioner, provided that the Workforce Commission's actions give effect to the substance and intent of the petition.

F. The rulemaking petition shall be submitted by certified mail and addressed to:

Office of the Secretary, Louisiana Workforce Commission  
Re: Rulemaking Petition  
P.O. Box 94094  
Baton Rouge, LA 70804-9094

AUTHORITY NOTE: Promulgated in accordance with RS 36:304 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by Workforce Commission, Office of the Secretary, LR 46:51 (January 2020).

Ava M. Dejoie  
Secretary

2001#012

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Horticulture Commission

Examinations, Administration, Sod Quality and  
Classification Form (LAC 7:XXIX.Chapter 1)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:3801(F), notice is hereby given that the Department of Agriculture and Forestry ("Department") and the Horticulture Commission intend to amend LAC 7:XXIX.113 to add language that addresses cheating on professional licensing exams and ensure that persons who cheat on exams know the consequences of their actions.

The department and the Horticulture Commission further deem it necessary to amend LAC 7:XXIX.115 and 117 to repeal the requirement that licensees or permittees selling sod in quantities of two pallets or 100 square yards or more provide a completed form to the consumer at the time of sale, indicating the type and class of sod. These rules and regulations were originally enacted to provide protections for the consumer when purchasing sod. The department and the Horticulture Commission have determined that this requirement is no longer necessary to protect the consumer as consumer protections are adequately addressed in LAC 7:XXIX.117(F)(1), which regulates sod quality offered for sale by nursery stock dealers, and by routine inspections performed by the department pertaining to sod quality.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XXIX. Horticulture Commission

#### Chapter 1. Horticulture

#### §113. Examination Schedule and Administration

A. ...

B. An applicant shall be disqualified from completing an examination or taking any other examination administered under these rules and regulations if the applicant is caught or found to be cheating on an examination. Cheating consists of:

1. giving or receiving unauthorized assistance to answer examination questions;
2. bringing unauthorized materials into the exam room or using unauthorized materials to answer examination questions;
3. using answers from another examinee;
4. copying questions or answers to examination questions to take from the examination room;
5. removing an examination booklet, answer sheet, or scratch paper from the examination room; or
6. any other action which may undermine the integrity of the examination process.

C. Any applicant caught or found to be cheating shall not be allowed to finish the examination and shall receive a score of zero. If an applicant finished the examination prior to the

discovery of the cheating the applicant's examination shall be voided and the applicant shall receive a score of zero.

D. Any applicant who is not allowed under this Subsection C to finish an examination, or whose examination is voided, or who is disqualified from taking the examination or any other examination administered under these rules and regulations may appeal the action to the commission.

1. The appeal shall be in writing, state the grounds for the appeal, and filed with the director within 30 days after the date of the examination.

2. The appeal will be placed on the agenda for the next meeting of the commission and the applicant will be notified of the date and place of the next meeting.

3. The appeal will be decided by the commission. The decision of the commission shall be the final administrative decision in the matter.

4. An appeal from the decision of the commission shall be in accordance with the Administrative Procedure Act.

5. The action or administrative decision shall become final if no appeal is timely filed at any step in the proceedings or if the action is upheld on appeal.

E. During the pendency of any appeal or during the time limit for the filing of any appeal the applicant shall not be allowed to take any examination administered under these rules and regulations.

F. If the action or administrative decision is not appealed or is upheld on appeal then the applicant shall not be allowed to take or re-take the examination or any other examination administered under these rules and regulations for a period of three years from the examination date without the approval of the commission given at a meeting of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3807 and R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:185 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:8 (January 1988), LR 18:250 (March 1992), LR 20:640 (June 1994), LR 31:1053 (May 2005), LR 35:1227 (July 2009), LR 37:3465 (December 2011), LR 40:759 (April 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Horticulture Commission, LR 44:2127 (December 2018), LR 46:

#### §115. General Requirements for All Licenses or Permittee

A. - C. ...

D. Repealed.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and R.S. 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:185 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 20:640 (June 1994), LR 21:548 (June 1995), LR 31:1053 (May 2005), LR 34:2547 (December 2008), LR 35:1227 (July 2009), LR 46:

#### §117. Professional and Occupational Standards and Requirements

A. - B.3.c. ...

B.4 Repealed.

- B.5. - D.3. ...
- D.4.Repealed.
- D.5. - F.5. ...
- F.6. Repealed.
- G. - I.6.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and R.S. 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:185 (April 1982), amended LR 9:410 (June 1983), LR 11:317 (April 1985), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:8 (January 1988), LR 20:640 (June 1994), LR 27:1832 (November 2001), LR 31:1054 (May 2005), LR 32:78 (January 2006), LR 32:1010 (June 2006), LR 33:1854 (September 2007), LR 53:1228 (July 2009), LR 36:2520 (November 2010), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Horticulture Commission, LR 42:1645 (October 2016), LR 46:

#### **Family Impact Statement**

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

#### **Poverty Impact Statement**

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### **Provider Impact Statement**

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Ansel Rankins, Director of the Horticulture Commission, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4 p.m. on the February 10, 2020.

Mike Strain, DVM  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Examinations, Administration, Sod Quality and Classification Form**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will not result in any costs or savings to state or local governmental units. The proposed rule amends LAC 7:XXIX.113 to define cheating on professional licensing exams and consequences to applicants caught or found cheating. Also, the proposed rule repeals LAC 7:XXIX.115 and 117 that are obsolete and are adequately addressed in existing LAC 7:XXIX.117(F)(1).

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will not affect revenue collections for state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Any applicant found to be cheating on an examination for licensure as an arborist, landscape horticulturist, landscape irrigation contractor, retail florist, utility arborist, landscape architect, or wholesale florist would be directly affected by the proposed rule. Any applicant found to be cheating shall not be allowed to take or re-take any examination for three years. As a result, the proposed rule may impact an applicant found to be cheating by restricting or delaying licensure in any of the aforementioned professions.

Anyone who holds a landscape horticulturist license, landscape architect license, or nursery grower permit would be directly affected by the proposed rule that repeals the requirement of providing a form indicating the type and class of sod to consumers at the time of sale. As a result, the proposed rule is anticipated to result in a reduction in additional paperwork.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed action is not anticipated to have a material effect on competition or employment.

Dane K. Morgan  
Assistant Commissioner  
2001#062

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office



## NOTICE OF INTENT

### Department of Agriculture and Forestry Structural Pest Control Commission

Structural Pest Control  
(LAC 7:XXV.Chapter 1)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:3366, notice is hereby given that the Department of Agriculture and Forestry ("Department") and the Structural Pest Control Commission intends to amend LAC 7:XXV. 101, 111, 117, 119, 121, 141, and 147. The proposed amendments revise the rules regulating structural pest control in Louisiana by making technical corrections, defining and clarifying certain terms, and modernizing and updating the rules and regulations.

The amendments to §101 define and clarify terms used by the structural pest control industry and the term certified fumigation technician is removed from §101. The category of certified fumigation technician is repealed from the rules and regulations by the deletion of §111 and all references to certified fumigation technician are removed from §147. Pesticide fumigant labels and federal rules and regulations require that at least one licensed fumigator be present at every fumigation which does not allow for a certified fumigation technician to perform work without a licensed certified fumigator being present. Additionally, the exam requirements for certification of fumigation technicians were never implemented and no persons in Louisiana are licensed as a certified fumigation technician.

The amendments to §117 include simplification of the licensee recertification period, the addition of a term for clarification, and the addition of information to be recorded by pest control businesses for improved enforceability of pest control inspections and waivers. The amendments to §119 include the addition of terms for clarification. The amendment to §121 limits coverage for wood destroying insect reports to termites found in readily accessible areas within 90 days from the date of inspection. The amendments to §141 include the addition of a term for clarification, clarification of the time period required to treat an infested property, and clarification and elimination of redundant content regarding waivers.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XXV. Structural Pest Control

#### Chapter 1. Structural Pest Control Commission

#### §101. Definitions

A. - B. ...

\* \* \*

*Active Infestation*—the presence of living insects in or on a structure.

\* \* \*

*Certified Fumigation Technician*—repealed.

\* \* \*

c. *Termite Control*—the application of remedial or preventative measures for the control, prevention, or eradication of termites, powder post beetles, and old house borers and the inspection of structures for wood-destroying insects.

\* \* \*

*Readily Accessible Area*—areas that are unobstructed and that are able to be reached and entered for visible examination at the time of inspection. Readily accessible areas do not include areas that are concealed by walls, ceilings, floor coverings, furniture, appliances, equipment, or stored articles; and crawl spaces and attics inaccessible due to openings too small to enter or without permanent ladders or staircases.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3362 and R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission LR 15:954 (November 1989), 17:251 (March 1991), LR 23:855 (July 1997), LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1015 (June 2006), amended LR 33:39 (January 2007), LR 35:204 (February 2009), LR 35:1468 (August 2009), LR 37:272 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:300 (February 2013), LR 41:333 (February 2015), LR 42:213 (February 2016), LR 44:1235 (July 2018), LR 46:

#### §111. Certified Fumigation Technician

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3369.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Structural Pest Control Commission, amended LR 17:251 (March 1991), LR 19:1010 (August 1993), LR 37:279 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:300 (February 2013), repealed LR 46:

#### §117. Obligations of the Licensee\Permittee

A. - E.1.a. ...

b. recertification at least once every three years; such recertification shall be completed by December 31 of the third year following the original certification or the most recent recertification;

E.1.c - F. ...

G. The permittee or the primary licensee shall report all termite control contracts and all wood-destroying insect reports and pay all required fees as set forth in §119 hereof.

H. Any person applying pesticides for a fee and the permittee or the primary licensee shall maintain records according to LAC 7:XXV.117.H, at the physical address listed on the place of business permit of all applications of pesticides and inspections for wood destroying insects on a record keeping form or in a format approved by the director of Pesticide and Environmental Programs of the department. These records shall be retained for a period of two years after the date of the pesticide application for ship and commodity fumigation, general pest control and commercial vertebrate control, and a period of two years after the expiration of applicable contracts for termite control. The licensee shall make a copy of these records available to any employee of the department for inspection during normal working hours within 48 hours upon notification, excluding legal holidays.

1. Records for applications of pesticides and inspections for termite control shall contain the following information:

- a - o. ...
- p. inspection date and time;
- q. waiver (if applicable); and
- r. WDIR (if applicable).

## H.2. - Q. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:956 (November 1989), LR 21:930 (September 1995), LR 23:855 (July 1997), LR 26:2437 (November 2000), LR 29:1062 (July 2003), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 31:2761 (November 2005), LR 35:1468 (August 2009), LR 37:280 (January 2011), LR 39:301 (February 2013), LR 42:214 (February 2016), LR 46:

### §119. Contracts for Termite Control Work

A. The permittee or licensee shall enter into a written contract for termite control work with the property owner/agent employing him. The contract shall:

#### 1. - 5. ...

6. provide for the treatment of all termites, powder post beetles, or old house borers; and

#### A.7. - C. ...

D. The permittee or a licensee shall report to the commission, no later than the tenth day of each month, each termite control contract and initial treatment for a pre-treatment contract for termite work which he has entered into, and performed or completed during the previous month. If no contracts were entered into or performed during the previous month, the permittee or a licensee shall report this fact to the commission no later than the tenth of each month.

#### E. - G.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and R.S. 3:3370.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:328 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:957 (November 1989), LR 26:2437 (November 2000), LR 27:1179 (August 2001), LR 27:2084 (December 2001), LR 28:1171 (June 2002), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 30:1144 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 35:1468 (August 2009), LR 37:282 (January 2011), LR 46:

### §121. Wood Destroying Insect Report

#### A. - A.2. ...

B. A wood destroying insect report shall be issued by a person who is licensed by the commission in termite control or a certified WDIR technician who is working under the supervision of a person who is licensed by the commission in termite control. The report shall carry a guarantee that the property will be treated without charge should live termites covered by the report be found in any readily accessible area within 90 days from the date of inspection.

#### B.1. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3670.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 12:285 (May

1986), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 23:856 (July 1997), LR 24:631 (April 1998), LR 25:235 (February 1999), LR 25:829 (May 1999), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:797 (May 2006), repromulgated LR 32:1017 (June 2006), amended LR 37:282 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), LR 39:3238 (December 2013), LR 46:

### §141. Minimum Specifications for Termite Control Work

#### A. - G. ...

1. Whenever an active infestation of termites, powder post beetles, or old house borers is found at any property under a current contract for termite control work, the pest control business that is responsible for the contract shall retreat within 30 days of discovery or notification.

#### 2. Repealed.

#### H. ...

1. A pest control operator shall request from the owner/agent of the structure(s) to be treated, a waiver of the requirements set out in these regulations whenever it is impossible or impractical to treat one or more areas of the structure in accordance with these minimum specifications for initial treatment or retreatment of properties. The waiver shall be signed by the owner/agent of the structure(s) to be treated prior to or during treatment. A signed copy of the waiver shall be given to the owner/agent. The waiver shall include, but not be limited to, the following information:

#### a - c. ...

#### 2. - 2.c. Repealed.

#### H.3. - L.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 25:1620 (September 1999), LR 26:2437 (November 2000), LR 27:1180 (August 2001), LR 29:1063 (July 2003), LR 30:1145 (June 2004), repromulgated LR 30:1614 (August 2004), amended LR 35:207 (February 2009), LR 35:1469 (August 2009), repromulgated LR 35:1872 (September 2009), amended, LR 37:286 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:1413 (June 2013), LR 41:333 (February 2015), LR 42:214 (February 2016), LR 46:

### §147. Fumigation

#### A. - A.1. ...

2. The licensee shall comply with the Structural Pest Control Commission rules and regulations and shall follow all other applicable state and federal rules and regulations.

3. - 5. ...

6. The licensee shall remove all signs, fumigation containers and/or materials, and any other debris which accumulated as a direct result from the fumigation.

A.7. - B.3. ...

4. A licensed fumigator shall seal or supervise the sealing or the area to be fumigated and assure that there is proper and secure sealing to confine the fumigant to the area that is to be fumigated, prior to the release of the fumigant.

5. A licensed fumigator shall see that a sign or signs of sufficient size as to be conspicuous and bearing the word "poison" and the skull-and-crossbones symbol, is prominently displayed at all entrances to the area being fumigated continuously from the time the area is sealed until ventilation is completed.

6. - 9. ...

10. A licensed fumigator shall be present when the fumigant is released and immediately prior to the time when the fumigated area is declared safe for occupancy. At least one other person, trained in fumigation in addition to the above, shall be present when the fumigant is released and immediately prior to the time when the fumigation area is declared safe for occupancy.

11. A licensed fumigator shall personally inspect the area which was fumigated when ventilation is completed to assure that the fumigated area, and adjacent areas as appropriate, is safe for occupancy.

C. - D.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 11:332 (April 1985), amended LR 17:251 (March 1991), LR 37:293 (January 2011), LR 44:1237 (July 2018), LR 46:

#### **Family Impact Statement**

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

#### **Poverty Impact Statement**

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### **Provider Impact Statement**

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Kelly Moore, Assistant Director of the Structural Pest Control Commission, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3003, Baton Rouge, LA 70806 and must be received no later than 12 p.m. on February 27, 2020.

#### **Public Hearing**

A public hearing will be held on February 27, 2020, at 9 a.m. in the Veterans' Auditorium at the Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3003, Baton Rouge, LA 70806. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Kelly Moore at the address given above or at (225) 952-8100.

Mike Strain, DVM  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Structural Pest Control**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change is not anticipated to have any effect on costs or savings for state or local governmental entities. The proposed rule amends LAC 7:XXV. 101, 111, 117, 119, 121, 141, and 147. The proposed amendments revise the rules regulating structural pest control in Louisiana by making technical corrections, defining and clarifying certain terms (sections 101, 119 and 141), and modernizing and updating the rules and regulations by repealing the certified fumigation technician (sections 111 and 147), simplification of the licensee recertification period (section 117), coverage guarantee of insect reports within 90 days of report (section 121) as well as clarification on the time period to treat an infested property and elimination of redundant content regarding waivers (section 141).

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will not affect revenue collections for state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to result in any costs or economic benefits to directly affected persons or nongovernmental groups. The examination requirement for certification of fumigation technicians was never implemented; therefore, no one in the state is licensed as a certified fumigation technician.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not have an effect on competition and employment.

Dane K. Morgan  
Management and Finance  
2001#061

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Children and Family Services  
Licensing Section**

**Federal Background Checks  
(LAC 67:V.Chapters 67, 71, and 73)**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953 (A) and R.S. 46:1407 (D), the Department of Children and Family Services (DCFS) proposes to amend LAC 67: V, Subpart 8, Maternity Homes, Chapter 67, Residential Licensing, Chapter 71, Residential Homes—Type IV and Chapter 73, Child Placing Agencies. This Rule shall be effective June 1, 2020.

The proposed Rule amends Chapter 67, Maternity Homes, Sections 6703, 6705, 6707, 6708, 6710, and 6712 Chapter 71, Residential Homes—Type IV, Sections 7105, 7107, 7109, 7111, 7112, and 7117 and Chapter 73, Child Placing Agencies, Sections 7307, 7309, 7311, 7313, 7315, and 7323. The proposed rule also promulgates Chapter 71, Residential Homes—Type IV, Section 7124 Section and Chapter 73, Child Placing Agencies, Section 7314. In accordance with ACT 243 of the 2019 Regular Legislative Session, any owner, operator, current or prospective employee, or volunteer requesting licensure or licensed by the DCFS is prohibited from ownership or employment if that person has been convicted of, pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C) as evidenced by a federal background check. Each provider licensed by the DCFS as a maternity home, residential home, or child placing agency, transitional placing program shall submit a request for a federal background check for all current owners, staff, volunteers, and contractors by June 12, 2020. All prospective owners, operators, staff, volunteers, and contractors shall have a satisfactory fingerprint based federal background check prior to a license being issued by the Department. The implementation of this rule will ensure that no individual with a conviction of crimes enumerated in R.S. 15:587.1 (C) owns or is employed in a maternity home, residential home or child placing agency, transitional placing program licensed by DCFS. The Rule also clarifies several sections involving the state central registry procedures for owners and staff.

**Title 67**

**SOCIAL SERVICES**

**Part V. Child Welfare**

**Subpart 8. Residential Licensing**

**Chapter 67. Maternity Home**

**§6703. Definitions**

A. A *maternity home* is defined as "any place or facility in which any institution, society, agency, corporation, person or persons, or any other group regularly receives and provides necessary services for children before, during, and immediately following birth. This definition shall not include any place or facility which receives and provides services for women who receive maternity care in the home of a relative within the sixth degree of kindred, computed according to civil law, or general or special hospitals in which maternity treatment and care is part of the medical services performed and the care of children only brief and incidental.

B. - B.1.iii.(c).v. ...

*Age or Developmentally Appropriate Activities or Items*—activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

*Contractor*—any person who renders professional services, therapeutic services, enrichment services, or counseling to residents and/or infants of residents such as educational consulting, athletic, or artistic services within a maternity home, whose services are not integral to either the operation of the maternity home or to the care and supervision of residents and/or infants of residents. Contractors may include, but are not limited to social workers, counselors, dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, licensed health care professionals, art instructors, state-certified teachers employed through a local school board, and other outside contractors. A person shall not be deemed a contractor if he/she is a staff person of the maternity home.

\*\*\*

*Division of Licensing and Certification*—Department of Children and Family Services, Licensing Section.

\*\*\*

*Owner or Operator*—individual or juridical entity exercising direct or indirect control over a licensed entity.

a. For licensing purposes the following are considered owners:

i. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the residents and/or infants of residents in care of the provider and/or residents and/or infants of residents who receive services from the provider and/or who are present at any time on the facility premises when residents and/or infants of residents are present;

ii. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the residents and/or infants of residents in care of the provider and/or residents and/or infants of residents who receive services from the provider, and/or who are present at any time on the facility premises when residents and/or infants of residents are present;

iii. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the residents and/or infants of residents in care of the provider, and/or residents and/or infants of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or infants of residents are present; or

iv. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the residents and/or infants of residents in care of the provider, and/or residents and/or infants of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or infants of residents are present.

\* \* \*

*Resident*—a pregnant female who has not reached her eighteenth birthday or otherwise been legally emancipated and receives care at the maternity home before childbirth and within 6 weeks after childbirth. The resident may not reside in the home with her parents nor be related to the owner of the facility.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1570 (August 2009), amended LR 36:799, 835 (April 2010), repromulgated LR 36:1275 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:2521 (November 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:968 (April 2012), LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:514 (April 2019), effective May 1, 2019, LR 46:

#### **§6705. Application**

A. An initial application for licensing as a maternity home provider shall be obtained from the department.

Department of Children and Family Services Licensing Section  
P.O. Box 260036  
Baton Rouge, LA 70826  
Phone: (225) 342-4350  
Fax: (225) 219-4363  
Web address: [www.dcfslouisiana.gov](http://www.dcfslouisiana.gov)

1. Prior to the initial license being issued to a maternity home, an initial licensing inspection shall be conducted on-site at the maternity home to ensure compliance with all licensing standards. No resident or infant of a resident shall be provided services by the maternity home until the initial licensing inspection has been performed, all deficiencies cleared, requested information received, and the department

has issued an initial license. If the provider is in operation in violation of the law, the licensing inspection shall not be conducted. In these instances, the application shall be denied and DCFS shall pursue legal remedies.

2. Once the maternity home provider is compliant with all licensing laws and standards, required statutes, ordinances, rules, regulations, and fees, the department may issue a license to the provider. The license shall be valid until the expiration date shown on the license, unless the license is revoked or suspended. When a license is modified, a new license shall be issued. The license with the most current issue date supersedes all other licenses issued.

B. - B.1.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1570 (August 2009), amended LR 36:799, 835 (April 2010), repromulgated LR 36:1275 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:2521 (November 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:968 (April 2012), LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:514 (April 2019), effective May 1, 2019, LR 46:

#### **§6707. Licensing Procedures**

A. - C. ...

D. The email address provided to the Licensing Section on the licensing application is the official email address unless the provider subsequently submits written notification of a change of email address to the Licensing Section and the request is acknowledged as received by licensing staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1570 (August 2009), amended LR 36:799 (April 2010), amended by the Department of Children and Family Services, Licensing Section, LR 46:

#### **§6708. General Provision**

A. Conditions for Participation in a Child-Related Business

1. Owners shall have a fingerprint based criminal background check through the Federal Bureau of Identification (FBI) on file with the maternity home in accordance with R.S. 46:51.2 and 15:587.1.

a. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to residents and/or infants of residents.

b. No person shall own, operate, or participate in the management or governance of a maternity home until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been

convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

c. - d. ...

2. The following is a listing of individuals by organizational type who are required to submit documentation of a satisfactory fingerprint-based criminal background clearance through the FBI :

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the residents and/or infants of residents in care of the provider and/or residents and/or infants of residents who receive services from the provider and/or who are present at any time on the facility premises when residents and/or infants of residents are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the residents and/or infants of residents in care of the provider and/or residents and/or infants of residents who receive services from the provider, and/or who are present at any time on the facility premises when residents and/or infants of residents are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the residents and/or infants of residents in care of the provider, and/or residents and/or infants of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or infants of residents are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the residents and/or infants of residents in care of the provider, and/or residents and/or infants of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or infants of residents are present.

3. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or infants of residents in care or who receive services from the provider and/or is not present at any time on the facility premises when residents and/or infants of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC through the FBI . The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

4. Effective May 1, 2019, CBCs/attestation forms shall be dated prior to the initial license being issued, but no earlier than 45 days prior to the initial application being received by the Licensing Section, or the individual being present on the premises, or having access to residents and/or infants of residents.

5. - C.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:969 (April 2012), amended LR 42:220 (February 2016), amended by the Department of Children and Family Services,

Licensing Section, LR 45:515 (April 2019), effective May 1, 2019, LR 46:

## **§6710. Criminal Background Checks**

A. Criminal Background Checks—Current Owners as of June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 1587.1, provider shall submit a request for a fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) for all owners/operators. The request for the FBI check shall be submitted no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing section.

2. Upon notification that the owner/operator has been convicted of a crime listed in R.S.15:587.1(C), the owner/operator shall no longer be eligible to own, operate, or participate in the governance or management of the maternity home. The owner/operator can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner/operator is a member of the board or clergy, the provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the notification has been made indicating that the individual has resigned or been relieved of his position with the effective date of the resignation/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days of the notification being made verifying that the individual's name has been removed from the Secretary of State's website if owned by a corporation.

3. Upon notification that additional information is required in order to make a decision, the provider has 7 calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the owner/operator shall not be present at the agency. However, if the information is not submitted within 30 calendar days, owner/operator can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner/operator is a member of the board or clergy, the provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has resigned or been relieved of his position with the effective date of the resignation/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days after the thirtieth day verifying that the individual's name has been removed from the Secretary of State's website if owned by a corporation.

4. This check shall be obtained prior to the addition of a board member who meets the definition of an owner, an

individual being present on the premises, or an individual having access to residents and/or infants of residents.

5. No person shall own, operate, or participate in the management or governance of a maternity home until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

6. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

7. The following is a listing of individuals by organizational type who are required to submit documentation to Licensing of a satisfactory fingerprint-based criminal background clearance through the FBI:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the residents and/or infants of residents in care of the provider and/or residents and/or infants of residents who receive services from the provider and/or who are present at any time on the facility premises when residents and/or infants of residents are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the residents and/or infants of residents in care of the provider and/or residents and/or infants of residents who receive services from the provider, and/or who are present at any time on the facility premises when residents and/or infants of residents are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the residents and/or infants of residents in care of the provider, and/or residents and/or infants of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or infants of residents are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the residents and/or infants of residents in care of the provider, and/or residents and/or infants of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or infants of residents are present.

8. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or infants of residents in care or who receive services from the provider and/or is not present at any time on the facility premises when residents and/or infants of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

9. Criminal background clearances are not transferable between owners.

B. Criminal Background Checks—Prospective owners effective June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, documentation of a satisfactory fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) for all owners/operators is required prior to the date the initial license is issued. The satisfactory criminal record check shall be dated prior to the issuance of the license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. Documentation of a satisfactory fingerprint based FBI check shall be available for review.

2. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to residents and/or infants of residents.

3. No person shall own, operate, or participate in the management or governance of a maternity home until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

4. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

5. The following is a listing of individuals by organizational type who are required to submit documentation to Licensing of a satisfactory fingerprint-based criminal background clearance through the FBI:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the residents and/or infants of residents in care of the provider and/or residents and/or infants of residents who receive services from the provider and/or who are present at any time on the facility premises when residents and/or infants of residents are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the residents and/or infants of residents in care of the provider and/or residents and/or infants of residents who receive services from the provider, and/or who are present at any time on the facility premises when residents and/or infants of residents are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the residents and/or infants of residents in care of the provider, and/or residents and/or infants of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or infants of residents are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to

the residents and/or infants of residents in care of the provider, and/or residents and/or infants of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or infants of residents are present.

6. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or infants of residents in care or who receive services from the provider and/or is not present at any time on the facility premises when residents and/or infants of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

7. CBCs/attestation forms shall be dated prior to the initial license being issued, but no earlier than 45 days prior to the initial application being received by the Licensing Section.

8. Criminal background clearances are not transferable between owners.

C. Criminal Background Checks for Current Staff and Volunteers as of June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, provider shall submit a request for a fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) for all currently employed staff (paid and non-paid staff and volunteers). The request shall be submitted to the FBI no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing section.

2. Upon notification that the staff person has been convicted of a crime listed in R.S.15:587.1(C), the individual shall no longer be eligible for employment or able to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after notification has been made indicating that the staff has been terminated or individual will no longer be providing services. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the individual is ineligible to return to work or provide services. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the seventh day indicating that the individual has been suspended or no longer providing services. However, if the information is not submitted within 30 calendar days, the individual shall be terminated or no longer eligible to provide services for the provider. If the information is not submitted before the thirty-first calendar day following the request for information, the individual shall be terminated or no longer eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business

day after the thirtieth day indicating that the individual has been relieved of his position with the effective date of the termination/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked.

4. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be present in any capacity in the facility.

5. CBC shall be dated no earlier than 45 days of the individual being present in the facility or having access to the residents and/or infants of residents.

6. Criminal background clearances are not transferable between owners.

D. Criminal Background Checks for Prospective Staff and Volunteers effective June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, documentation of a satisfactory criminal background check through the Federal Bureau of Investigation (FBI) is required prior to the individual (paid and non-paid staff and volunteers) being present in the facility or having access to residents and/or infants of residents. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1 shall be hired by or present in any capacity in the facility.

2. Criminal background checks (CBC) through the Federal Bureau of Investigation (FBI) shall be dated no earlier than 45 days of the individual being present in the facility or having access to the residents and/or infants of residents.

3. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be hired by or present in any capacity in the facility.

4. No person who is convicted of or has pled *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall continue employment or to provide services after such conviction or *nolo contendere* plea.

5. Criminal background clearances are not transferable between owners.

E. Criminal Background Checks for Current Contractors as of June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, provider shall submit a request for a criminal background check through the Federal Bureau of Investigation (FBI) for all current contractors. The request shall be submitted to the FBI no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing section.

2. Upon notification that the contractor has been convicted of a crime listed in R.S.15:587.1(C), the individual shall no longer be eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after notification has been made indicating that the contract has been terminated and the individual is no longer allowed access to the residents and/or infants of residents. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting



agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the individual is ineligible to provide services. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the seventh day indicating that the individual has been suspended or no longer providing services. However, if the information is not submitted within 30 calendar days, the individual shall be terminated or no longer eligible to provide services for the provider. If the information is not submitted before the thirty-first calendar day following the request for information, the individual shall be terminated or no longer eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has been relieved of his position with the effective date of the termination/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked.

4. A person shall not be deemed a contractor if he/she is a staff person of the facility.

5. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be present in any capacity in the facility.

6. Criminal background checks are not transferable between owners.

#### F. Criminal Background Checks for Prospective Contractors effective June 1, 2020

1. Contractors hired to perform work which involves contact with residents and/or infants of residents, shall be required to have documentation of a satisfactory fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and R.S. 46:51.2. This check shall be obtained prior to the individual being present in the facility or having access to the residents and/or infants of residents.

2. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be hired by or present in any capacity in the facility.

3. This check shall be obtained prior to the individual being present in the facility or having access to the residents and/or infants of residents.

4. Criminal background checks (CBC) shall be dated no earlier than 45 days of the individual being present in the facility or having access to the residents and/or infants of residents.

5. A person shall not be deemed a contractor if he/she is a staff person of the facility.

6. Criminal background checks are not transferable between owners.

#### G. Criminal Background Checks for Louisiana Department of Education (LDE) Staff effective June 1, 2020

1. Effective June 1, 2020, provider shall provide documentation that a fingerprint-based satisfactory criminal background check (CBC) through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and R.S. 17:15 for all Louisiana Department of Education staff or local school district staff that interact with residents and/or infants of residents prior to the individual providing services to residents and/or infants of residents has been conducted. This check shall be obtained prior to the individual being present in the facility or providing services for the facility. No person

who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be present in any capacity in any licensed facility.

a. For the first school year that a LDE staff person or local school district staff person provides services to a resident, that LDE staff person or local school district staff person shall provide documentation of a fingerprint based satisfactory criminal record check through the Federal Bureau of Investigation (FBI) as required by R.S. 17:15 and R.S. 15:587.1 or shall provide the original, completed, signed, notarized, DCFS-approved affidavit dated June 1, 2020, or after to the provider prior to being present and working with a resident at the facility. A photocopy of the original affidavit shall be kept on file at the facility. This affidavit will be acceptable for the entire school year noted in the text of the affidavit and expires on May 31 of the current school year. For all subsequent school years following the first year, the LDE staff or local school district staff person shall present a new affidavit or an original, completed, and signed letter from the superintendent of the school district or designee or superintendent of LDE or designee noting that the individual continues to meet certain specific requirements. The provider will need to view the original letter presented by the LDE staff or local school district staff person and keep a photocopy of the original letter on file at the facility. This letter will be acceptable for the entire school year noted in the text of the letter and expires on May 31 of the current school year. The letter is acceptable only if all the following conditions are met:

i. the LDE staff person or local school district staff person has remained employed with the same school district as noted in the affidavit the provider has on file;

ii. the provider has maintained a copy of the affidavit on file; and

iii. the letter is presented on school district letterhead or LDE letterhead and signed by the superintendent of the school district or designee or superintendent of LDE or designee

iv. the letter notes the following:

(a). individual is an employee and/or representative of the school district for the (ex. 2020-2021) school year and is not employed or contracted on an emergency basis nor pursuant to written approval of any district judge or district attorney under to La. R.S. 17:15(A). As a prerequisite of employment and/or representative status, he/she underwent a criminal background check as required by La. R.S. 17:15 and La. R.S. 15:587.1.

(b). the superintendent or designee certifies that, according to that criminal background check, he/she has not been convicted of, or pled guilty or *nolo contendere* to, any of the criminal offenses set forth in La. R.S. 17:15 and/or La. R.S. 15:587.1(C).

(c). the superintendent or designee certifies that he/she will notify the Director of DCFS Licensing in writing if superintendent/designee becomes aware that the individual is convicted of an offense enumerated in La. R.S. 17:15 and/or 15:587.1(C) during the school year which nullifies the affidavit and/or letter.

2. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall be hired by or present in any capacity in the facility.

3. Criminal background clearances are not transferable between owners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:970 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:516 (April 2019), effective May 1, 2019, LR 46:

#### **§6712. State Central Registry**

A. - A.1. ...

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or infants of residents in care or residents and/or infants of residents who receive services from the provider and/or is not present at any time on the facility premises when residents and/or infants of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

2. Prior to May 1, 2019, all owners and operators affiliated with a facility were required to have on file a clearance from any other state's child abuse and neglect registry in which the owner/operator resided within the proceeding five years. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child was eligible to own, operate, or participate in the governance of the maternity home.

3. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana state central registry clearance form shall be dated no earlier than 45 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to application being received by the licensing section or the addition of a new board member who meets the definition of an owner; however, individuals who continue to reside outside of the state of Louisiana but own/operate a maternity home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the maternity home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or infants of residents in care or residents and/or infants of residents who receive services from the provider and/or is not present at any time on the facility premises when residents and/or infants of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

4. - 4.a. ...

b. The out of state clearance forms shall be dated no earlier than 120 days prior to the application being received by the licensing section; however, individuals who continue to reside outside of the state of Louisiana but own/operate a maternity home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section.

A.5. - B.1.b. ...

c. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the proceeding five years, provider shall request a check and obtain state central registry clearance from that state's child abuse and neglect registry. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to residents and/or infants of residents. Other states state central registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to residents and/or infants of residents; however, individuals who continue to reside outside of the state of Louisiana but volunteer with or work for the maternity home or with residents and/or infants of residents in the state of Louisiana, their clearances shall be dated prior to hire and/or providing services to residents and/or infants of residents, but no earlier than 45 days of hire or providing services. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed maternity home.

B.1.c.i. - C.1.c.i. ...

d. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to residents and/or infants of residents. Other state's state central registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to residents and/or infants of residents however, individuals who continue to reside outside of the state of Louisiana but contract with or provide services for the maternity home or with residents and/or infants of residents in the state of Louisiana, their clearances shall be dated prior to hire and/or providing services to residents and/or infants of residents, but no earlier than 45 days of hire or providing services. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed maternity home.

C.1.e. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:516 (April 2019), effective May 1, 2019, LR 46:

#### **Chapter 71. Residential Homes—Type IV**

##### **§7105. Definitions**

A. As used in this Chapter:

\* \* \*

*Contractor*—any person who renders professional services, therapeutic services, enrichment services, or counseling to residents and/or children of residents such as educational consulting, athletic, or artistic services within a residential home, whose services are not integral to either the operation of the residential home or to the care and supervision of residents and/or children of residents. Contractors may include, but are not limited to social workers, counselors, dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, licensed health care professionals, art instructors, state-certified teachers employed through a local school board, and other outside contractors. A person shall not be deemed a contractor if he/she is a staff person of the residential home.

\* \* \*

*Independent Contractor*—Repealed.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:805 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:976 (April 2012), LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:246 (February 2017), amended by the Department of Children and Family Services, Licensing Section, LR 45:519 (April 2019), effective May 1, 2019, LR 46:

**§7107. Licensing Requirements**

A. - A.4. ...

5. Owners shall have a fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) on file with the residential home as noted in Section 7124.A or Section 7124.B, as applicable and in accordance with R.S. 46:51.2 and 15:587.1.

6. CBCs/attestation forms shall be dated prior to the date the initial license is issued, but no earlier than 45 days prior to the initial application being received by the Licensing Section.

7. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or children of residents in care or who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC through the Federal Bureau of Investigation (FBI). The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

8. A new Federal Bureau of Investigation (FBI) criminal background clearance and Louisiana state central registry clearance are required if an individual is terminated, resigns, or no longer provides services for longer than one 24-hour period and is then re-instated.

9. - 14. ...

15. The email address provided to the Licensing Section on the licensing application is the official email address unless the provider subsequently submits written notification of a change of email address to the Licensing Section and the request is acknowledged as received by licensing staff.

B. - B.2.o. ...

p. documentation of a fingerprint based satisfactory criminal record check through the FBI for all staff, volunteers, contractors, and owners of the facility as noted in Section 7124, and required by R.S. 46:51.2 and 15:587.1. CBC shall be dated prior to the issue date of the initial license, but no earlier than 45 days before the application has been received by the Licensing Section;

B.2.q. - D.4.f.iii. ...

iv. satisfactory SCR clearance form from Child Welfare dated no earlier than 45 days of the individual being present in the facility/hired; and

v. satisfactory fingerprint based FBI criminal background check dated no earlier than 45 days of the individual being present in the facility/hired.

D.5. - E.2.e. ...

f. copy of a criminal background clearance or attestation forms as referenced in § Section 7124.A or 7124.B, as applicable for all owners and Section 7124.C or 7124.D, as applicable for program directors as required by R.S. 46:51.2 and 15:587.1; and

E.2.g. - F.1.b.xv. ...

xvi. documentation of a fingerprint based satisfactory criminal record check through the FBI for all staff, volunteers, contractors, and owners of the facility, as noted in §7124 and required by R.S. 46:51.2 and 15:587.1;

1.b.xvii. - 3.a.xv. ...

xvi. documentation of a fingerprint-based satisfactory criminal record clearance through the FBI for all staff, volunteers, contractors, and owners as noted in Section 7124 as applicable and required by R.S. 15:587.1 and 46:51.2. CBC shall be dated no earlier than 45 days before the application has been received by the Licensing Section. The prior owner's documentation of a satisfactory criminal background check for staff, volunteers, contractors, and/or owners is not transferrable;

E.3.a.xvii. - L.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S.46:1401 et seq., and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 36:807 (April 2010), amended LR 36:843 (April 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:977, 984 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:249 (February 2017), LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 45:519 (April 2019), effective May 1, 2019, LR 46:

**§7109. Critical Violations/Fines**

A. In accordance with R.S. 46:1430, when a provider is cited for violations in the following areas, the department may at its discretion elect to impose sanctions, revoke a license, or both:

1. §7107.A.5-8 and 14, §7107.D.4.f.v, §7107.E.2.F, §7111.A.2.c.ii, §7111.A.5.b, §7111.B.2.a.ii, §7117.A.14.j, and/or 7124.A-G—criminal background check;

A.2 - E.1.c. ...

d. When the cited critical violation was for a criminal background check not being completed prior to hire as required, but obtained before the individual was on the premises and/or had access to a resident or child of a resident, the fine shall be decreased by \$25.

e. When the cited critical violation was for criminal background check not being completed prior to the individual being on the premises and/or having access to a resident or child of a resident, the fine shall be increased by \$25.

E.1.f. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:258 (February 2017), amended LR 43:1725 (September 2017), LR 44:1991 (November 2018), effective December 1, 2018, amended by the Department of Children and Family Services, Licensing Section, LR 45:521 (April 2019), effective May 1, 2019, LR 46:

### **§7111. Provider Requirements**

A. - A.2.c.i. ...

ii. have documentation of a fingerprint based satisfactory criminal background check through the FBI as noted in Section 7124.C or Section 7124.D, as applicable and required in R.S. 15:587.1 and R.S. 46:51.2.

2.c.iii. - 5.a. ...

b. Contractors hired to perform work which involves contact with residents or children of residents, shall be required to have documentation of a fingerprint based satisfactory criminal background check through the FBI as required by R.S. 15:587.1 and R.S. 46:51.2 and noted in Section 7124.E or 7124.F as applicable.

5.c. - 9.a.iii. ...

iv. Contractors (therapists, tutors, etc.) shall not be included in ratio while providing said individualized services to a specific resident(s) or child(ren) of resident(s).

A.9.a.v. - B.2.a.i. ...

ii. a criminal background check as noted in Section 7124.C or 7124.D. as applicable:

B.2.a.iii. - J.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:811 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:979, 984 (April 2012), LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:261 (February 2017), LR 43:1725 (September 2017), LR 44:1992 (November 2018), effective December 1, 2018, amended by the Department of Children and Family Services, Licensing Section, LR 45:521 (April 2019), effective May 1, 2019, LR 46:

### **§7112. State Central Registry**

A. - A.2. ...

3. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana state central registry clearance form shall be dated no earlier than 45 days prior to the initial application being received by the Licensing

section or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the initial application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner; however, individuals who continue to reside outside of the state of Louisiana but own/operate a residential home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the residential home.

A.3.a. - B.1.b. ...

c. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the proceeding five years, provider shall request a check and obtain state central registry clearance from that state's child abuse and neglect registry. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to residents and/or children of residents. Other states state central registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to residents and/or children of residents; however, individuals who continue to reside outside of the state of Louisiana and volunteer with and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to residents and/or children of residents. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

B.1.c.i. - C.1.c.i. ...

d. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to residents and/or children of residents. Other state's state central registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to children/youth; however, individuals who continue to reside outside of the state of Louisiana and provide services for and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to residents and/or children of residents. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

C.1.e. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:521 (April 2019), effective May 1, 2019, LR 46:

## §7117. Provider Services

A. - A.14.i. ...

j. The provider shall have documentation of a satisfactory fingerprint based criminal record check through the FBI as required in Section 7124.G.

k. The provider shall have documentation of state central registry (SCR) clearances as required in Section 7112.C

B. - F.19. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:823 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:985 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:278 (February 2017), LR 43:1725 (September 2017), LR 46:

## §7124. Criminal Background Checks

A. Criminal Background Checks—Current Owners as of June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 1587.1, provider shall submit a request for a fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) for all owners/operators. The request for the FBI check shall be submitted no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing section.

2. Upon notification that the owner/operator has been convicted of a crime listed in R.S.15:587.1(C), the owner/operator shall no longer be eligible to own, operate, or participate in the governance or management of the residential home. The owner/operator can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner/operator is a member of the board or clergy, the provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the notification has been made indicating that the individual has resigned or been relieved of his position with the effective date of the resignation/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days of the notification being made verifying that the individual's name has been removed from the Secretary of State's website if owned by a corporation.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the owner/operator shall not be present at the agency. However, if the information is not submitted within 30 calendar days, owner/operator can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner/operator is a member of the board or clergy, the provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has resigned or been relieved of

his position with the effective date of the resignation/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days after the thirtieth day verifying that the individual's name has been removed from the Secretary of State's website if owned by a corporation.

4. This check shall be obtained prior to the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to residents and/or children of residents.

5. No person shall own, operate, or participate in the management or governance of a residential home until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

6. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

7. The following is a listing of individuals by organizational type who are required to submit documentation to Licensing of a satisfactory fingerprint-based criminal background clearance through the FBI:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the residents and/or children of residents in care of the provider and/or residents and/or children of residents who receive services from the provider and/or who are present at any time on the facility premises when residents and/or children of residents are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the residents and/or children of residents in care of the provider and/or residents and/or children of residents who receive services from the provider, and/or who are present at any time on the facility premises when residents and/or children of residents are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the residents and/or children of residents in care of the provider, and/or residents and/or children of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or children of residents are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the residents and/or children of residents in care of the provider, and/or residents and/or children of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or children of residents are present.

8. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or children of residents in care or who receive services from the provider

and/or is not present at any time on the facility premises when residents and/or children of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

9. Criminal background clearances are not transferable between owners.

B. Criminal Background Checks—Prospective owners effective June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, documentation of a satisfactory fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) for all owners/operators is required prior to the date the initial license is issued. The satisfactory criminal record check shall be dated prior to the issuance of the license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. Documentation of a satisfactory fingerprint based FBI check shall be available for review.

2. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to residents and/or children of residents.

3. No person shall own, operate, or participate in the management or governance of a residential home until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

4. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

5. The following is a listing of individuals by organizational type who are required to submit documentation to Licensing of a satisfactory fingerprint-based criminal background clearance through the FBI:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the residents and/or children of residents in care of the provider and/or residents and/or children of residents who receive services from the provider and/or who are present at any time on the facility premises when residents and/or children of residents are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the residents and/or children of residents in care of the provider and/or residents and/or children of residents who receive services from the provider, and/or who are present at any time on the facility premises when residents and/or children of residents are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the residents and/or children of residents in care of the provider, and/or residents and/or children of residents who receive services from the provider, and/or who is present at

any time on the facility premises when residents and/or children of residents are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the residents and/or children of residents in care of the provider, and/or residents and/or children of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or children of residents are present.

6. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or children of residents in care or who receive services from the provider and/or is not present at any time on the facility premises when residents and/or children of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

7. CBCs/attestation forms shall be dated prior to the initial license being issued, but no earlier than 45 days prior to the initial application being received by the Licensing Section.

8. Criminal background clearances are not transferable between owners.

C. Criminal Background Checks for Current Staff and Volunteers as of June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, provider shall submit a request for a fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) for all currently employed staff (paid and non-paid staff and volunteers). The request shall be submitted to the FBI no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing section.

2. Upon notification that the staff person has been convicted of a crime listed in R.S. 15:587.1(C), the individual shall no longer be eligible for employment or able to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after notification has been made indicating that the staff has been terminated or individual will no longer be providing services. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

3. Upon notification that additional information is required in order to make a decision, the provider has seventh calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seventh calendar days, the individual is ineligible to return to work or provide services. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the seventh day indicating that the individual has been suspended or no longer providing services. However, if the information is not submitted within 30 calendar days, the individual shall be terminated or no

longer eligible to provide services for the provider. If the information is not submitted before the thirty-first calendar day following the request for information, the individual shall be terminated or no longer eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has been relieved of his position with the effective date of the termination/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked.

4. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall be present in any capacity in the facility.

5. CBC shall be dated no earlier than 45 days of the individual being present in the facility or having access to the residents and/or children of residents.

6. Criminal background clearances are not transferable between owners.

#### D. Criminal Background Checks for Prospective Staff and Volunteers effective June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, documentation of a satisfactory criminal background check through the Federal Bureau of Investigation (FBI) is required prior to the individual (paid and non-paid staff and volunteers) being present in the facility or having access to residents and/or children of residents. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C) shall be hired by or present in any capacity in the facility.

2. Criminal background checks (CBC) through the Federal Bureau of Investigation (FBI) shall be dated no earlier than 45 days of the individual being present in the facility or having access to the residents and/or children of residents.

3. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall be hired by or present in any capacity in the facility.

4. No person who is convicted of or has pled *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall continue employment or to provide services after such conviction or *nolo contendere* plea.

5. Criminal background clearances are not transferable between owners.

#### E. Criminal Background Checks for Current Contractors as of June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, provider shall submit a request for a criminal background check through the Federal Bureau of Investigation (FBI) for all current contractors. The request shall be submitted to the FBI no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing section.

2. Upon notification that the contractor has been convicted of a crime listed in R.S.15:587.1(C), the

individual shall no longer be eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after notification has been made indicating that the contract has been terminated and the individual is no longer allowed access to the residents and/or children of residents. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

3. Upon notification that additional information is required in order to make a decision, the provider has 7 calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seventh calendar days, the individual is ineligible to return to work or provide services. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the seventh day indicating that the individual has been suspended or no longer providing services. However, if the information is not submitted within 30 calendar days, the individual shall be terminated or no longer eligible to provide services for the provider. If the information is not submitted before the thirty-first calendar day following the request for information, the individual shall be terminated or no longer eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the seventh day indicating that the individual has been relieved of his position with the effective date of the termination/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked.

4. A person shall not be deemed a contractor if he/she is a staff person of the facility.

5. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall be present in any capacity in the facility.

6. Criminal background checks are not transferable between owners.

#### F. Criminal Background Checks for Prospective Contractors effective June 1, 2020

1. Contractors hired to perform work which involves contact with residents and/or children of residents shall be required to have documentation of a satisfactory fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and R.S. 46:51.2. This check shall be obtained prior to the individual being present in the facility or having access to the residents and/or children of residents.

2. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall be hired by or present in any capacity in the facility.

3. This check shall be obtained prior to the individual being present in the facility or having access to the residents and/or children of residents.

4. Criminal background checks (CBC) shall be dated no earlier than 45 days of the individual being present in the facility or having access to the residents and/or children of residents.

5. A person shall not be deemed a contractor if he/she is a staff person of the facility.

6. Criminal background checks are not transferable between owners.

G. Criminal Background Checks for Louisiana Department of Education (LDE) Staff effective June 1, 2020

1. Effective June 1, 2020, provider shall provide documentation that a fingerprint-based satisfactory criminal background check (CBC) through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and R.S. 17:15 for all Louisiana Department of Education staff or local school district staff that interact with children/youth prior to the individual providing services to children/youth has been conducted. This check shall be obtained prior to the individual being present in the facility or providing services for the facility. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be present in any capacity in any licensed facility.

a. For the first school year that a LDE staff person or local school district staff person provides services to a child or children, that LDE staff person or local school district staff person shall provide documentation of a fingerprint based satisfactory criminal record check through the Federal Bureau of Investigation (FBI) as required by R.S. 17:15 and R.S. 15:587.1(C) or shall provide the original, completed, signed, notarized, DCFS-approved affidavit dated June 1, 2020, or after to the provider prior to being present and working with a child or children at the facility. A photocopy of the original affidavit shall be kept on file at the facility. This affidavit will be acceptable for the entire school year noted in the text of the affidavit and expires on May 31 of the current school year. For all subsequent school years following the first year, the LDE staff or local school district staff person shall present a new affidavit or an original, completed, and signed letter from the superintendent of the school district or designee or superintendent of LDE or designee noting that the individual continues to meet certain specific requirements. The provider will need to view the original letter presented by the LDE staff or local school district staff person and keep a photocopy of the original letter on file at the facility. This letter will be acceptable for the entire school year noted in the text of the letter and expires on May 31 of the current school year. The letter is acceptable only if all the following conditions are met:

i. the LDE staff person or local school district staff person has remained employed with the same school district as noted in the affidavit the provider has on file;

ii. the provider has maintained a copy of the affidavit on file; and

iii. the letter is presented on school district letterhead or LDE letterhead and signed by the superintendent of the school district or designee or superintendent of LDE or designee

iv. the letter notes the following:

(a). individual is an employee and/or representative of the school district for the ex. 2020-2021 school year and is not employed or contracted on an emergency basis nor pursuant to written approval of any district judge or district attorney under to La. R.S. 17:15(A). As a prerequisite of employment and/or representative status, he/she underwent a criminal background check as required by La. R.S. 17:15 and La. R.S. 15:587.1.

(b). the superintendent or designee certifies that, according to that criminal background check, he/she has not been convicted of, or pled guilty or *nolo contendere* to, any of the criminal offenses set forth in La. R.S. 17:15 and/or La. R.S. 15:587.1(C).

(c). the superintendent or designee certifies that he/she will notify the Director of DCFS Licensing in writing if superintendent/designee becomes aware that the individual is convicted of an offense enumerated in La. R.S. 17:15 and/or 15:587.1(C) during the school year which nullifies the affidavit and/or letter.

2. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall be hired by or present in any capacity in the facility.

3. Criminal background clearances are not transferable between owners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 46:

### **Chapter 73. Child Placing Agencies—General Provisions**

#### **§7307. Initial Application**

A. - A.2.j. ...

k. copy of the completed reasonable and prudent parent authorized representative form if providing transitional placing services to youth in DCFS custody,

1. - A.5. ...

6. Prior to a license being issued, documentation shall be submitted to the Licensing Section of a fingerprint based criminal record check as noted in Section 7309.A, 7309.C, 7309.D, and/or 7314.A-F as applicable for all staff including owners, operators, volunteers, and contractors of the child-placing agency, as required by R.S. 46:51.2 and 15:587.1. CBCs shall be dated prior to the issue date of the initial license, but no earlier than 45 days prior to the application being received by the licensing section.

7. Prior to a license being issued, documentation shall be submitted to the Licensing Section of completed state central registry clearances noting no justified (valid) finding of abuse and/or neglect for all staff including owners, operators, volunteers, and contractors and shall be dated no earlier than 45 days prior to the application being received by the Licensing section

8. Prior to a license being issued, documentation shall be submitted to the Licensing Section of completed out of state central registry clearances noting no justified (valid) finding of abuse and/or neglect for all staff including owners, operators, volunteers, and contractors that lived out of state within the previous five years. These clearances shall be dated prior to the issuance of the initial license, but no earlier than 120 days prior to the initial application being received by the Licensing Section. If the owner resided out of state since receiving the clearance, an updated SCR clearance is required.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:356 (March 2019), effective April 1, 2019, LR 46:



### §7309. Background Checks

#### A. Criminal Background Checks—Owners, Foster Care, and Adoption

1. - 3. ...

4. Effective June 1, 2020, CBCs/attestation forms shall be dated prior to the initial license being issued, but no earlier than 45 days prior to the initial application being received by the Licensing Section.

5. Owners with the subprogram of transitional placing (TP) in addition to foster care and/or adoption shall request fingerprint based criminal background checks through the Federal Bureau of Investigation (FBI) as noted in Section 7309.C and/or 7309.D, as applicable. LSP checks are only acceptable for owners with the subprogram of foster care and/or adoption.

B. - B.2. ...

3. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana state central registry clearance form shall be dated no earlier than 45 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner; however, individuals who continue to reside outside of the state of Louisiana but own/operate a child placing agency in Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the child-placing agency.

3.a. - 7.b. ...

8. Upon notification to the provider from child welfare that the owner/operator is listed on the state central registry, the owner/operator shall no longer be eligible to own, operate, or participate in the governance of the child-placing agency. The owner/operator may voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the justified (valid) finding of abuse and/or neglect is a member of the child-placing agency board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his position on the board or has been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days of the notification, provider shall also submit to licensing documentation verifying that the individual's name has been removed from the Secretary of State's website if the CPA is owned/operated by a corporation. After receipt of the statement, the application for licensure may continue to be processed.

9. - 10. ...

#### C. Criminal Background Checks—Current Owners—Transitional Placing as of June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, provider shall submit a request for a fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) for all owners/operators operating a transitional placing program. The request for the FBI check shall be submitted no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing section.

2. Upon notification that the owner/operator has been convicted of a crime listed in R.S.15:587.1(C), the owner/operator shall no longer be eligible to own, operate, or participate in the governance or management of the child placing agency. The owner/operator can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner/operator is a member of the board or clergy, the provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the notification has been made indicating that the individual has resigned or been relieved of his position with the effective date of the resignation/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days of the notification being made verifying that the individual's name has been removed from the Secretary of State's website if owned by a corporation.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the owner/operator shall not be present at the agency. However, if the information is not submitted within 30 calendar days, owner/operator can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner/operator is a member of the board or clergy, the provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has resigned or been relieved of his position with the effective date of the resignation/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within 7 calendar days after the thirtieth day verifying that the individual's name has been removed from the Secretary of State's website if owned by a corporation.

4. Criminal background clearances are not transferable between owners.

5. The FBI check shall be obtained prior to the addition of a board member who meets the definition of an owner.

6. No person shall own, operate, or participate in the management or governance of a child-placing agency until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

7. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S.

15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

8. The following is a listing of individuals by organizational type who are required to submit documentation to Licensing of a satisfactory fingerprint-based criminal background clearance through the FBI:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the agency premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the agency premises when children/youth are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the agency premises when children/youth are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the agency premises when children/youth are present.

9. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or who receive services from the provider and/or is not present at any time on the agency premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

D. Criminal Background Checks – Prospective Owners as of June 1, 2020-Transitional Placing

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, documentation of a satisfactory fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) for all owners/operators of transitional placing programs is required prior to the date the initial license is issued. The satisfactory criminal record check shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the

initial application being received by the Licensing Section. Documentation of a satisfactory fingerprint based FBI check shall be available for review.

a. This check shall be obtained prior to the license being issued, board member who meets the definition of an owner, an individual being present on the agency premises when children/youth are present, or an individual having access to children/youth.

b. No person shall own, operate, or participate in the management or governance of a child-placing agency until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

c. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

2. The following is a listing of individuals by organizational type who are required to submit documentation to Licensing of a satisfactory fingerprint-based criminal background clearance from the FBI:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the agency premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the agency premises when children/youth are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the agency premises when children/youth are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the agency premises when children/youth are present.

3. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or who receive services from the provider and/or is not present at any time on the agency premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

4. Criminal background clearances are not transferable between owners.

**E. Agency Location and Equipment—Foster Care, Adoption, Transitional Placing**

1. The provider shall have suitable space for an office and reception area which provide comfort, safety, privacy, and convenience for children/youth and staff.

2. The provider shall have furnishings which are clean and safe.

3. The provider shall have suitable space for confidential meetings with parent(s) and children/youth and visitation between parent(s) and children/youth.

4. The provider shall have suitable storage areas for personnel and child/youth records which provide controlled access, retrieval, and confidentiality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:357 (March 2019), effective April 1, 2019, LR 46:

**§7311. Licensing Requirements—Foster Care, Adoption, Transitional Placing**

A. - B.5.d.v. ...

vi. copy of a current FBI criminal background clearance or current attestation form as noted in §7309.C and/or 7309.D, as applicable for all owners as required by R.S. 46:51.2 and 15:587.1.

vii. copy of a criminal background clearance through the FBI as noted in §7314.C-F, as applicable for the program director, staff, volunteers, and contractors and required by R.S. 46:51.2 and 15:587.1.

viii. copy of current state central registry clearances for new staff, volunteers, and contractors hired and/or providing services for the transitional placing program.

e. - g.iii. ...

iv. CBC clearance dated no earlier than 45 days prior to hire;

v. Louisiana state central registry clearance dated no earlier than 45 days prior to hire; and

vi. if an individual resided in a state other than Louisiana in the previous five years, state central registry clearance from those states dated no earlier than 120 days prior to hire; however, individuals who continue to reside outside of the state of Louisiana and work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth.

h. Change to add an individual to the existing ownership structure is effective when the following are received and approved by the licensing section:

i. completed change of information form,

ii. name of the individual(s) being added,

iii. effective date of addition,

iv. satisfactory SCR clearance form from Child Welfare dated no earlier than 45 days of the individual being added to the existing ownership structure, being present on the premises, and/or having access to children/youth, and

v. satisfactory fingerprint based criminal background check completed as noted in Section 7309.A, 7309.C. and/or Section 7309.D, as applicable and required by R.S. 46:51.2 and 15:587.1 dated no earlier than 45 days of the individual being added to the existing ownership structure,

being present on the premises, and/or having access to children/youth

A.6. - C.2.f. ...

g. copy of criminal background clearances or current attestation forms as noted in §7309.A, 7309.C, 7309.D, 7314.A, 7314.C, and/or 7314.D, as applicable for all owners and program directors and required by R.S. 46:51.2 and 15:587.1;

C.2.h. - D.2.p. ...

q. documentation of new fingerprint based satisfactory criminal record checks for owners of the agency, as noted in section 7309.A, 7309.C, and/or 7309.D, as applicable and required by R.S. 46:51.2 and 15:587.1, dated prior to the date the license is issued, but no earlier than 45 days prior to the CHOL application being received by the licensing section;

r. documentation of new Louisiana state central registry clearance forms for owners dated no earlier than 45 days prior to the CHOL application being received by the licensing section as noted in §7309.B;

s. documentation of out of state central registry clearance forms for owners dated no earlier than 120 days prior to the CHOL application being received by the licensing section as noted in §7309.B ; however, individuals who continue to reside outside of the state of Louisiana but own/operate a child placing agency in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial CHOL license, but no earlier than 45 days prior to the initial application being received by the Licensing Section.

t. documentation of new national criminal background checks through the Federal Bureau of Investigation (FBI) for currently certified foster/adoptive parents and any member of the parent's household aged 18 years and older, excluding youth in DCFS custody, in accordance with R.S. 46:51.2 for any crime enumerated under R.S. 15:587.1(C) and Public Law 105-89. These checks shall be dated no earlier than 45 days prior to the CHOL application being received by the licensing section as noted in §7315.B;

u. documentation of new state central registry clearance forms for currently certified foster/adoptive parents and any member of the parent's household aged 18 years and older, excluding youth in DCFS custody. Louisiana checks shall be dated no earlier than 45 days prior to the CHOL application being received by the licensing section as noted in § 7315.C;

v. documentation of out of state central registry clearance forms for foster/adoptive parents and household members age 18 years and older, excluding youth in DCFS custody, dated no earlier than 120 days prior to the CHOL application being received by the licensing section as noted in Section 7315.C; however, for household members over the age of 18 years who continue to reside outside of the state of Louisiana, but their official domicile is a certified foster/adoptive home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial CHOL application being received by the Licensing Section.

w. documentation of new fingerprint based satisfactory criminal record checks for all staff (paid, non-paid, and volunteers) and contractors of the agency, as noted in section 7314.A-F as applicable and required by R.S. 46:51.2 and 15:587.1. CHOLs occurring April 1, 2019 or

after, CBCs shall be dated no earlier than 45 days prior to the CHOL application being received by the licensing section as noted in Section 7313.I.9 and/or 7313.M.1, as applicable.

x. documentation of new Louisiana state central registry clearance forms for all staff (paid, non-paid, and volunteers) and contractors dated no earlier than 45 days prior to the CHOL application being received by the licensing section;

y. documentation of out of state central registry clearance forms for staff (paid, non-paid, and volunteers) and contractors dated no earlier than 120 days prior to the application being received by the licensing section as noted in Section 7313.I.9 and/or Section 7313.M.1, as applicable; however, individuals who continue to reside outside of the state of Louisiana, but volunteer with, provide services for, and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth.

D.2.z. - E.2.o. ...

p. documentation of new fingerprint based satisfactory criminal record checks for owners or current attestation forms as noted in §7309.A, 7309.C, and/or 7309.D, as applicable and as required by R.S. 46:51.2 and 15:587.1. These checks shall be dated no earlier than 45 days prior to the CHOW application being received by the licensing section;

q. documentation of new Louisiana state central registry clearance forms for owners or attestation forms dated no earlier than 45 days prior to the CHOW application being received by the licensing section as noted in §7309.B;

r. documentation of out of state central registry clearance forms for owners dated no earlier than 120 days prior to the CHOW application being received by the licensing section as noted in §7309.B; however, individuals who continue to reside outside of the state of Louisiana but own/operate a child placing agency in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial CHOW application being received by the Licensing Section.

s. documentation of new fingerprint based satisfactory criminal record checks for all staff (paid, non-paid, and volunteers) and contractors of the agency, as noted in section 7314.A-F, as applicable and required by R.S. 46:51.2 and 15:587.1, dated no earlier than 45 days prior to the CHOW application being received by the licensing section;

t. documentation of new Louisiana state central registry clearance forms for all staff (paid, non-paid, and volunteers) and contractors dated no earlier than 45 days prior to the CHOW application being received by the licensing section;

u. documentation of out of state central registry clearance forms for staff (paid, non-paid, and volunteers) and contractors dated no earlier than 120 days prior to the CHOW application being received by the licensing section as noted in Section 7313.I.10 and/or 7313.M.2., as applicable, ; however, individuals who continue to reside outside of the state of Louisiana but volunteer with, provide services for, and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth.

v. documentation of new national criminal background checks through the Federal Bureau of Investigation (FBI) for currently certified foster/adoptive parents and any member of the parent's household aged 18 years and older, excluding youth in DCFS custody, in accordance with R.S. 46:51.2 for any crime enumerated under R.S. 15:587.1 and Public Law 105-89. These checks shall be dated no earlier than 45 days prior to the CHOW application being received by the licensing section;

w. documentation of new Louisiana state central registry clearance forms for currently certified foster/adoptive parents and any member of the parent's household aged 18 years and older, excluding youth in DCFS custody. These checks shall be dated no earlier than 45 days prior to the CHOW application being received by the licensing section;

x. documentation of out of state central registry clearance forms for foster/adoptive parents and household members age 18 years and older, excluding youth in DCFS custody, dated no earlier than 120 days prior to the application being received by the licensing section as noted in Section 7315.C; however, for household members over the age of 18 years who continue to reside outside of the state of Louisiana, but their official domicile is a certified foster/adoptive home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial CHOW application being received by the Licensing Section.

E.2.y. - I.3.h. ...

i. copy of criminal background clearances or current attestation forms as referenced in §7309.A, 7309.C, 7309.D, 7314.A, 7314.C, and/or 7314.D, as applicable for all owners and program directors as required by R.S. 46:51.2 and 15.587.1;

I.3.j. - M.1. ...

a. §7309.A, §7309.C.1-9, §7309.D.1-4, §7311.B.5.d.vi-vii, §7311.B.5.g.iv, §7311.B.5.h.v., §7311.C.2.g, §7313.I.9, §7313.L.5, §7313.M.1, §7314.A-G, and/or 7315.B - criminal background check;

b. - 7.c. ...

d. When the cited critical violation was for a criminal background check not being completed prior to hire as required, but obtained before the individual was on the premises and/or had access to a child/youth, the fine shall be decreased by \$25.

e. When the cited critical violation was for criminal background check not being completed prior to the individual being on the premises and/or having access to a child/youth, the fine shall be increased by \$25.

M.1.f. - N.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:811 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:979, 984 (April 2012), LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:261 (February 2017), LR 43:1725 (September 2017), LR 44:1992 (November 2018), effective December 1, 2018, amended

by the Department of Children and Family Services, Licensing Section, LR 45:521 (April 2019), effective May 1, 2019, LR 46:

### **§7313. Administration and Operation**

A. - I.8. ...

9. Prior to employment, staff record shall contain a satisfactory fingerprint based criminal background check as noted in Section 7314.A, 7314.C, and/or 7314.D, as applicable and required by R.S.15:587.1 and 46:51.2.

a. Staff shall have a criminal background check on file with the child-placing agency in accordance with R.S.15:587.1(C) and R.S 46:51.2.

b. This check shall be obtained prior to the individual being hired, present on the premises, or having access to children/youth.

c. No person shall be hired or present on the premises of the child-placing agency until such person has submitted his or her fingerprints as noted in Section 7309.C-D, 7314.A-G, and/or 7315.B., as applicable and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

d. - f. ...

10. - 10.b. ...

c. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteer staff) shall be conducted prior to employment being offered to a potential hire. Staff persons who have resided in another state within the proceeding five years, provider shall request a check and obtain state central registry clearance from that state's child abuse and neglect registry. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the staff being present on the premises or having access to children/youth. Other states state central registry clearance forms shall be dated no earlier than 120 days prior to the staff being present on the premises or having access to children/youth; however, individuals who continue to reside outside of the state of Louisiana, but volunteer with and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed child-placing agency.

10.c.i. - 10.h....

11. A new fingerprint based criminal background clearance and Louisiana state central registry clearance as referenced in Section 7313.I.9, 7313.I.10, 7313.L, 7313.M, and/or 7314.A-F, as applicable are required if an individual is terminated, resigns, or no longer provides services for longer than one 24 hour period and is then re-instated.

J. - L.4. ...

5. Prior to providing volunteer services, volunteer record shall contain a satisfactory fingerprint based criminal background check as noted in 7313.I.9.

6. ...

M. Contractors—Foster Care, Adoption, Transitional Placing

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file a satisfactory fingerprint based criminal background check as noted in section 7314.B, 7314.E, and/or 7314.F, as applicable. This

check shall be obtained prior to providing services unaccompanied by a paid staff or having access to children/youth unaccompanied by a paid staff.

a. No contractor shall provide services until such person has submitted his or her fingerprints as noted in section 7314.B, 7314.E, and/or 7314.F, as applicable and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

b. - d. ...

2. - 2.c.i. ...

d. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth. Other state's state central registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to children/youth; however, individuals who continue to reside outside of the state of Louisiana, but contract with and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed child-placing agency.

M.2.e. - U.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:368 (March 2019), effective April 1, 2019, LR 46:

### **§7314. Criminal Background Checks**

A. Criminal Background Checks for Staff and Volunteers—Foster Care and Adoption

1. Prior to employment, staff (paid and non-paid) record shall contain satisfactory fingerprint based Louisiana State Police check.

a. Staff shall have a criminal background check on file with the child-placing agency in accordance with R.S.15:587.1 and R.S 46:51.2. If an individual has previously obtained a certified copy of their criminal background check from the Louisiana State Police, such certified copy shall be acceptable as meeting the CBC requirements. This certified copy of the criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. This certified copy shall be kept on file at the facility. Prior to the one-year expiration of the certified criminal background check, a new fingerprint-based satisfactory criminal background check shall be obtained from Louisiana State Police. If the clearance is not obtained prior to the one-year expiration of the certified criminal background check, the staff is no longer allowed on the premises until a clearance is received.

b. This check shall be obtained prior to the individual being hired, present on the premises, or having access to children/youth.

c. No person shall be hired or present on the premises of the child-placing agency until such person has submitted his or her fingerprints to the Louisiana State Police and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

d. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall be hired by, continue employment, or be present in any capacity on the premises of the child-placing agency.

e. Any employee who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue employment after such conviction, guilty plea, or plea of *nolo contendere*.

f. For staff hired effective April 1, 2019, CBCs shall be dated no earlier than 45 days of the individual being hired, being present on the premises, or having access to children/youth.

g. Only certified CBCs obtained by the individual for themselves from LSP are transferable from one owner to another owner.

h. A fingerprint based criminal background check through the FBI as required in Section 7314.C and 7314.D is acceptable in lieu of a fingerprint based check from the Louisiana State Police for staff (paid and non-paid) in foster care and adoption programs.

#### B. Criminal Background Checks for Contractors—Foster Care and Adoption

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file a satisfactory fingerprint based check from the Louisiana State Police. This check shall be obtained prior to providing services unaccompanied by a paid staff or having access to children/youth unaccompanied by a paid staff.

a. No contractor shall provide services until such person has submitted his or her fingerprints to the Louisiana State Police and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

b. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall provide services, continue to provide services, or be present in any capacity on the premises of the child-placing agency.

c. Effective April 1, 2019, CBCs shall be dated no earlier than 45 days of the individual providing services, being present on the premises, or having access to children/youth.

d. Only certified CBCs obtained by the individual for themselves from LSP are transferable from one owner to another owner.

e. A fingerprint based criminal background check through the FBI is acceptable in lieu of a fingerprint based check from the Louisiana State Police for contractors in foster care and adoption programs.

#### C. Criminal Background Checks for Current Staff and Volunteers as of June 1, 2020—Transitional Placing

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, provider shall submit a request for a fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) for all currently employed staff (paid and non-paid staff and volunteers). The request shall be submitted to the FBI no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the licensing section.

2. Upon notification that the staff person has been convicted of a crime listed in 15:587.1(C), the individual shall no longer be eligible for employment or able to provide services for the provider. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day after notification has been made indicating that the staff has been terminated or individual will no longer be providing services. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the individual is ineligible to return to work or provide services. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the seventh day indicating that the individual has been suspended or no longer providing services. However, if the information is not submitted within 30 calendar days, the individual shall be terminated or no longer eligible to provide services for the provider. If the information is not submitted before the thirty-first calendar day following the request for information, the individual shall be terminated or no longer eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has been relieved of his position with the effective date of the termination/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked.

4. Criminal background clearances are not transferable between owners.

#### D. Criminal Background Checks for Prospective Staff and Volunteers effective June 1, 2020—Transitional Placing

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, documentation of a satisfactory criminal background check through the Federal Bureau of Investigation (FBI) is required prior to the individual (paid and non-paid staff and volunteers) being present in the facility or having access children/youth. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1 shall be hired by or present in any capacity in the facility.

2. Criminal background checks (CBC) through the Federal Bureau of Investigation (FBI) shall be dated no earlier than 45 days of the individual being present in the facility or having access to children/youth.

3. Criminal background clearances are not transferable between owners.

#### E. Criminal Background Checks for Current Contractors as of June 1, 2020—Transitional Placing

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file a satisfactory fingerprint based check from the FBI. This check shall be obtained prior to providing services unaccompanied by a paid staff or having access to children/youth unaccompanied by a paid staff.

2. Contractors hired to perform work which does not involve any contact with children/youth, shall not be required to have a criminal background check if accompanied at all times by a staff person when children/youth are present in the agency.

3. A person shall not be deemed a contractor if he/she is a staff person of the facility.

4. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, provider shall submit a request for a criminal background check through the Federal Bureau of Investigation (FBI) for all current contractors. The request shall be submitted to the FBI no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing section.

5. Upon notification that the contractor has been convicted of a crime listed in 15:587.1(C), the individual shall no longer be eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after notification has been made indicating that the contract has been terminated and the individual is no longer allowed access to the children or children of residents. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the individual is ineligible to return to work or provide services. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the seventh day indicating that the individual has been suspended or no longer providing services. However, if the information is not submitted within 30 calendar days, the individual shall be terminated or no longer eligible to provide services for the provider. If the information is not submitted before the thirty-first calendar day following the request for information, the individual shall be terminated or no longer eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has been relieved of his position with the effective date of the termination/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked.

#### F. Criminal Background Checks for Prospective Contractors effective June 1, 2020—Transitional Placing

1. Contractors hired to perform work which does not involve any contact with residents or children of residents, shall not be required to have a criminal background check if accompanied at all times by a staff person when residents or children of residents are present in the facility.

2. A person shall not be deemed a contractor if he/she is a staff person of the facility.

3. Contractors hired to perform work which involves contact with residents or children of residents, shall be required to have documentation of a satisfactory fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and R.S.

46:51.2. This check shall be obtained prior to the individual being present in the facility or having access to the residents or children of residents.

4. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in 15:587.1(C), shall be hired by or present in any capacity in the facility.

#### G. Criminal Background Checks for Louisiana Department of Education staff—Foster Care, Adoption, and Transitional Placing effective June 1, 2020

1. Effective June 1, 2020, provider shall provide documentation that a fingerprint-based satisfactory criminal background check (CBC) through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and R.S. 17:15 for all Louisiana Department of Education staff or local school district staff that interact with children/youth prior to the individual providing services to children/youth has been conducted. This check shall be obtained prior to the individual being present in the facility or providing services for the facility. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in 15:587.1(C), shall be present in any capacity in any licensed facility.

a. For the first school year that a LDE staff person or local school district staff person provides services to a child or children, that LDE staff person or local school district staff person shall provide documentation of a fingerprint based satisfactory criminal record clearance through the Federal Bureau of Investigation (FBI) as required by R.S. 17:15 and R.S. 15:587.1 or shall provide the original, completed, signed, notarized, DCFS-approved affidavit dated June 1, 2020, or after to the provider prior to being present and working with a child or children at the facility. A photocopy of the original affidavit shall be kept on file at the facility. This affidavit will be acceptable for the entire school year noted in the text of the affidavit and expires on May 31 of the current school year. For all subsequent school years following the first year, the LDE staff or local school district staff person shall present a new affidavit or an original, completed, and signed letter from the superintendent of the school district or designee or superintendent of LDE or designee noting that the individual continues to meet certain specific requirements. The provider will need to view the original letter presented by the LDE staff or local school district staff person and keep a photocopy of the original letter on file at the facility. This letter will be acceptable for the entire school year noted in the text of the letter and expires on May 31 of the current school year. The letter is acceptable only if all the following conditions are met:

i. the LDE staff person or local school district staff person has remained employed with the same school district as noted in the affidavit the provider has on file;

ii. the provider has maintained a copy of the affidavit on file; and

iii. the letter is presented on school district letterhead or LDE letterhead and signed by the superintendent of the school district or designee or superintendent of LDE or designee

iv. the letter notes the following:

(a) individual is an employee and/or representative of the school district for the (ex. 2020-2021) school year and is not employed or contracted on an emergency basis nor pursuant to written approval of any district judge or district attorney under to R.S. 17:15(A). As a prerequisite of employment and/or representative status,

he/she underwent a criminal background check as required by R.S. 17:15 and R.S. 15:587.1.

(b). the superintendent or designee certifies that, according to that criminal background check, he/she has not been convicted of, or pled guilty or *nolo contendere* to, any of the criminal offenses set forth in R.S. 17:15 and/or R.S.15:587.1(C).

(c). the superintendent or designee certifies that he/she will notify the Director of DCFS Licensing in writing if superintendent/designee becomes aware that the individual is convicted of an offense enumerated in R.S. 17:15 and/or 15:587.1(C) during the school year which nullifies the affidavit and/or letter.

2. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall be hired by or present in any capacity in the facility.

3. Criminal background clearances are not transferable between owners.

### **§7315. Foster and Adoptive Certification**

A. - 7. ...

8. Foster/adoptive parents and adults of the household interviewed in person shall sign and date summary or homestudy written by the interviewer to ensure accuracy.

9. If the prospective foster/adoptive parents have school age children, an interview or reference letter shall be obtained from at least two school personnel who are unrelated to the foster/adoptive parents that can provide an opinion of the prospective foster/adoptive parents' suitability to provide care for children in foster care or available for adoption. If the child is home schooled by someone other than the prospective foster/adoptive parents, then an interview or reference letter is required from that individual regarding their opinion of the prospective foster/adoptive parents' suitability to provide care for children in foster care or available for adoption. If provider is unable to obtain reference information due to school policy, documentation of attempts to secure information is required.

A.10. - C.5. ...

6. The DCFS state central registry clearance form shall be dated no earlier than 45 days of the foster/adoptive parents being certified or household members over the age of 18 years being present in the home. Out-of-state clearance forms shall be dated no earlier than 120 days of foster/adoptive parents being certified. However, for household members over the age of 18 years who continue to reside outside of the state of Louisiana but their official domicile is a certified foster/adoptive home in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to certifying the foster/adoptive parents.

C.7. - P.2.e. ...

f. in person, by video, or written account regarding their personal experiences from a certified foster/adoptive parent that has fostered or adopted a child;

P.2.g. - Q.1. ...

2. Foster/adoptive parent(s) shall have at least one adult (age 18 or older) responsible for the supervision of children or available at all times within close proximity of the home when a foster/adoptive parent is not present.

R. - V.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:377 (March 2019), effective April 1, 2019, LR 46:

### **§7323. Transitional Placing Program**

A. - A.5.xxiv. ...

6. Training referenced in Section 7323.A.5.a. shall commence within seven calendar days from the date of placement. Training shall be continuous and tailored to youth's current level of functioning with additional training introduced as a youth progresses, achieves success in the minimum skills, and articulates a desire to learn more advanced skills. Documentation of training shall include signature of staff, youth, training topics addressed, and date training occurred.

7.a. A written description of training provided to youth transitioning from the program shall be included in policy. Topics shall include, but are not limited to the following:

- i. developing and following a budget;
- ii. identifying safe and affordable housing;
- iii. negotiating a lease;
- iv. understanding the terms of a lease or housing contract;
- v. understanding landlord/tenant rights and responsibilities,
- vi. searching for a job; and
- vii. retaining a job.

b. Training shall be completed prior to the youth transitioning from the program. Documentation shall include signature of staff and youth, training topics, and date.

B. - C.1. ...

2. Each youth shall have his/her own bed located in a designated bedroom. With the exception of a studio apartment housing one youth, common areas shall not be used as a bedroom; however, if youth chooses to use a common area as a bedroom, documentation shall include a signed and dated statement by youth indicating such. In addition, written annual approval is required by the OSFM allowing a common area to be used as a bedroom.

C.3. - L.6.j. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:392 (March 2019), effective April 1, 2019, LR 46:

### **Family Impact Statement**

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

### **Poverty Impact Statement**

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

### **Small Business Analysis**

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.



### Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

### Public Comments

All interested persons may submit written comments through February 25, 2020, to Angie Badeaux, Licensing Program Director, Department of Children and Family Services, P. O. Box 3078, Baton Rouge, LA, 70821.

### Public Hearing

A public hearing on the proposed rule will be held on February 25, 2020, at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 10:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For Assistance, call (225) 342-4120 (Voice and TDD).

Marketa Garner-Walters  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Federal Background Checks

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

In accordance with Act 243 of the 2019 RLS, the proposed rule requires owners, operators, managers, employees, contractors, and volunteers in Residential Homes-Type IV, Maternity Homes, and Child Placement Agencies to obtain a federal background check.

The proposed rule change is anticipated to increase expenditures for the Department of Children and Family Services (DCFS) by approximately \$17,040 SGF in FY 20 associated with the publication of the proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will also increase revenue in the statutorily dedicated Criminal Identification and Information Fund by \$26 per person that applies for a background check. The Office of State Police administers background checks at a charge of \$39.25 each, of which \$26 will be deposited into the Criminal Identification and Information Fund and \$13.25 will be remitted to the federal government.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Owners, operators, managers, employees, contractors, and volunteers in Residential Homes-Type IV, Maternity Homes, and Child Placement Agencies that currently do not have a federal background check on file will incur a cost of \$39.25 associated with the cost of the background check.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The implementation of this rule may reduce the number of available owners, operators, managers, employees, contractors, and volunteers in Residential Homes-Type IV, Maternity Homes, and Child Placement Agencies given that individuals that do not pass the federal background check will likely be unemployable in these facilities.

Terri Ricks  
Deputy Secretary  
2001#039

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Children and Family Services Licensing Section

State Central Registry—Child Residential Care, Class B  
(LAC 67:V.Chapter 69)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953 (A) and R.S. 46:1407 (D), the Department of Children and Family Services (DCFS) proposes to amend LAC 67: V, Subpart 8, Residential Licensing, Chapter 69, Residential Homes, Class B. This Rule shall be effective June 1, 2020.

The proposed Rule amends Chapter 69, Residential Homes, Class B, Sections 6955, 6957, 6959, 6961, and 6962 and also promulgates Chapter 69, Residential Homes, Class B, Section 6966. In accordance with ACT 243 of the 2019 Regular Legislative Session, any owner, operator, current or prospective employee, or volunteer requesting licensure or licensed by the DCFS is prohibited from ownership or employment if that person has been convicted of, pled guilty or nolo contendere to any crime listed in R.S. 15:587.1 as evidenced by a federal background check. Each provider licensed by the DCFS as a residential home shall submit a request for a federal background check for all current owners, staff, volunteers, and contractors by June 12, 2020. All prospective owners, operators, staff, volunteers, and contractors shall have a satisfactory fingerprint based federal background check prior to a license being issued by the Department. The implementation of this Rule will ensure that no individual with a conviction of crimes enumerated in R.S. 15:587.1 (C) owns or is employed in a residential home licensed by DCFS. The Rule also clarifies several sections involving the state central registry procedures for owners and staff.

### Title 67

### SOCIAL SERVICES

### Part V. Child Welfare

### Subpart 8. Residential Licensing

### Chapter 69. Child Residential Care, Class B §6955. Procedures

NOTE: This Section has been moved from LAC 67:I.1955.

A. - A.2.e.vii. ...

viii. any owner/owners of a residential facility shall provide documentation of a satisfactory criminal record check, as required through the FBI as noted in section 6966.A and/or 6966.B, as applicable and required by R.S. 46:51.2 and 15:587.1.

A.3. - C.2.e. ...

f. copy of a satisfactory fingerprint based criminal record check through the FBI as noted in Section 6966.A and/or 6966.B, as applicable and required by R.S. 46:51.2 and 15:587.1 for any owner/owners.

C.3. - G.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S. 46:1410 et seq., R.S. 46:1401-1424 and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1565 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2740 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1617 (August 2009), amended LR 36:331 (February 2010), LR 36:836, 842 (April 2010), repromulgated LR 36:1032 (May 2010), repromulgated LR 36:1277 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family Services, Child Welfare Section and Economic Stability and Self-Sufficiency Section, LR 36:2522 (November 2010), repromulgated LR 36:2838 (December 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:971 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:508 (April 2019), effective May 1, 2019, LR 46:

#### **§6957. Definitions**

NOTE: This Section has been moved from LAC 67:I.1957.

\* \* \*

*Contractor*—any person who renders professional services, therapeutic services, enrichment services, or counseling to residents such as educational consulting, athletic, or artistic services within a residential home, whose services are not integral to either the operation of the residential home or to the care and supervision of residents. Contractors may include, but are not limited to social workers, counselors, dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, licensed health care professionals, art instructors, state-certified teachers employed through a local school board, and other outside contractors. A person shall not be deemed a contractor if he/she is a staff person of the residential home.

\* \* \*

*Resident*—an individual who receives care at a residential home and whose parents do not live in the same facility nor is the individual related to the owner of the facility.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1567 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2742 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1619 (August 2009), amended by the Department of Children and Family Services, Division of Program, Licensing Sections, LR 38:972 (April 2012), amended by the Department of Children and Family Services, Licensing Sections, LR 45:509 (April 2019), effective May 1, 2019, LR 46:

#### **§6959. Administration and Organization**

NOTE: This Section has been moved from LAC 67:I.1959.

A. - B.2. ...

3. Owners shall have a fingerprint based criminal background check through the FBI on file with the residential home as noted in section 6966.A and/or section 6966.B, as applicable in accordance with R.S. 46:51.2 and 15:587.1.

4. The following is a listing of individuals by organizational type who are required to submit documentation of a satisfactory fingerprint-based criminal background clearance conducted through the FBI:

a. - d. ...

5. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

6. CBCs/attestation forms shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section.

7. - 10. ...

11. A new fingerprint based satisfactory criminal background check through the FBI and Louisiana state central registry clearances are required if an individual is terminated, resigns, or no longer provides services for longer than one 24 hour period and is then re-instated.

C. - O.1.c. ...

d. documentation of a satisfactory fingerprint based criminal record check for each staff person through the FBI as noted in section 6966.C and/or section 6966.D, as applicable and required by R.S. 46:51.2.;

O.1.e. - R.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1567 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2743 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1620 (August 2009), amended LR 36:331 (February 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:973 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45: 509 (April 2019), effective May 1, 2019, LR 46:

#### **§6961. Human Resources**

NOTE: This Section has been moved from LAC 67:I.1961.

A. - E.4. ...

5. have a criminal background check for each volunteer through the FBI as required in R.S. 15:587.1 and R.S. 46:51.2 and as outlined in Section 6966.C and/or 6966.D., as applicable; and

E.6. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1570 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2745 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1622 (August 2009), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:975 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:510 (April 2019), effective May 1, 2019, LR 46:

#### **§6962. State Central Registry**

A. - A.2. ...

3. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana state central registry clearance form shall be dated no earlier than 45 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner; however, individuals who continue to reside outside of the state of Louisiana, but own/operate a residential home in Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the residential home.

A.3.a. - B.1.b. ...

c. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the proceeding five years, provider shall request a check and obtain state central registry clearance from that state's child abuse and neglect registry. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. Other states state central registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth; however, individuals who continue to reside outside of the state of Louisiana, but volunteer with and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

B.1.c.i. - C.1.c.i. ...

d. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth. Other state's state central registry clearance information shall be

dated no earlier than 120 days prior to the individual providing services or having access to children/youth; however, individuals who continue to reside outside of the state of Louisiana, but contract with and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

C.1.e. - D.1. ....

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:510 (April 2019), effective May 1, 2019, LR 46:

#### **§6966. Criminal Background Checks**

A. Criminal Background Checks—Current Owners as of June 1, 2020

1. Effective June 1, 2020 and in accordance with public law 115-123 and R.S. 1587.1, provider shall submit a request for a fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) for all owners/operators. The request for the FBI check shall be submitted no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing section.

2. Upon notification that the owner/operator has been convicted of a crime listed in R.S.15:587.1, the owner/operator shall no longer be eligible to own, operate, or participate in the governance or management of the residential home. The owner/operator can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner/operator is a member of the board or clergy, the provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the notification has been made indicating that the individual has resigned or been relieved of his position with the effective date of the resignation/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days of the notification being made verifying that the individual's name has been removed from the Secretary of State's website if owned by a corporation.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the owner/operator shall not be present at the agency. However, if the information is not submitted within 30 calendar days, owner/operator can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner/operator is a member of the board or clergy, the provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has resigned or been relieved of his position with the effective date of the resignation/removal. If the statement is not received within the aforementioned

timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days after the thirtieth day verifying that the individual's name has been removed from the Secretary of State's website if owned by a corporation.

4. This check shall be obtained prior to the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to residents and/or children of residents.

5. No person shall own, operate, or participate in the management or governance of a residential home until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

6. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

7. The following is a listing of individuals by organizational type who are required to submit documentation to Licensing of a satisfactory fingerprint-based criminal background clearance conducted through the FBI:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the residents and/or children of residents in care of the provider and/or residents and/or children of residents who receive services from the provider and/or who are present at any time on the facility premises when residents and/or children of residents are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the residents and/or children of residents in care of the provider and/or residents and/or children of residents who receive services from the provider, and/or who are present at any time on the facility premises when residents and/or children of residents are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the residents and/or children of residents in care of the provider, and/or residents and/or children of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or children of residents are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the residents and/or children of residents in care of the provider, and/or residents and/or children of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or children of residents are present.

8. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or children of residents in care or who receive services from the provider and/or is not present at any time on the facility premises when residents and/or children of residents are present, a DCFS

approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

9. Criminal background clearances are not transferable between owners.

B. Criminal Background Checks—Prospective owners effective June 1, 2020

1. Effective June 1, 2020 and in accordance with public law 115-123 and R.S. 15:587.1, documentation of a satisfactory fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) for all owners/operators is required prior to the date the initial license is issued. The satisfactory criminal record check shall be dated prior to the issuance of the license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. Documentation of a satisfactory fingerprint based FBI check shall be available for review.

2. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to residents and/or children of residents.

3. No person shall own, operate, or participate in the management or governance of a residential home until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

4. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

5. The following is a listing of individuals by organizational type who are required to submit documentation to Licensing of a satisfactory fingerprint-based criminal background clearance through the FBI:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the residents and/or children of residents in care of the provider and/or residents and/or children of residents who receive services from the provider and/or who are present at any time on the facility premises when residents and/or children of residents are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the residents and/or children of residents in care of the provider and/or residents and/or children of residents who receive services from the provider, and/or who are present at any time on the facility premises when residents and/or children of residents are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the residents and/or children of residents in care of the provider, and/or residents and/or children of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or children of residents are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the residents and/or children of residents in care of the provider, and/or residents and/or children of residents who receive services from the provider, and/or who is present at any time on the facility premises when residents and/or children of residents are present.

6. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to residents and/or children of residents in care or who receive services from the provider and/or is not present at any time on the facility premises when residents and/or children of residents are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

7. CBCs/attestation forms shall be dated prior to the initial license being issued, but no earlier than 45 days prior to the initial application being received by the Licensing Section.

8. Criminal background clearances are not transferable between owners.

#### C. Criminal Background Checks for Current Staff and Volunteers as of June 1, 2020

1. Effective June 1, 2020, and in accordance with public law 115-123 and R.S. 15:587.1, provider shall submit a request for a fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) for all currently employed staff (paid and non-paid staff and volunteers). The request shall be submitted to the FBI no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing section.

2. Upon notification that the staff person has been convicted of a crime listed in R.S.15:587.1, the individual shall no longer be eligible for employment or able to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after notification has been made indicating that the staff has been terminated or individual will no longer be providing services. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the individual is ineligible to return to work or provide services. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the seventh day indicating that the individual has been suspended or no longer providing services. However, if the information is not submitted within 30 calendar days, the individual shall be terminated or no longer eligible to provide services for the provider. If the information is not submitted before the thirty-first calendar

day following the request for information, the individual shall be terminated or no longer eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has been relieved of his position with the effective date of the termination/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked.

4. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be present in any capacity in the facility.

5. CBC shall be dated no earlier than 45 days of the individual being present in the facility or having access to the residents and/or children of residents.

6. Criminal background clearances are not transferable between owners.

#### D. Criminal Background Checks for Prospective Staff and Volunteers effective June 1, 2020

1. Effective June 1, 2020 and in accordance with public law 115-123 and R.S. 15:587.1, documentation of a satisfactory criminal background check through the Federal Bureau of Investigation (FBI) is required prior to the individual (paid and non-paid staff and volunteers) being present in the facility or having access to residents and/or children of residents. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1 shall be hired by or present in any capacity in the facility.

2. Criminal background checks (CBC) through the Federal Bureau of Investigation (FBI) shall be dated no earlier than 45 days of the individual being present in the facility or having access to the residents and/or children of residents.

3. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be hired by or present in any capacity in the facility.

4. No person who is convicted of or has pled *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall continue employment or to provide services after such conviction or *nolo contendere* plea.

5. Criminal background clearances are not transferable between owners.

#### E. Criminal Background Checks for Current Contractors as of June 1, 2020

1. Effective June 1, 2020 and in accordance with public law 115-123 and R.S. 1587.1, provider shall submit a request for a criminal background check through the Federal Bureau of Investigation (FBI) for all current contractors. The request shall be submitted to the FBI no later than June 12, 2020 . Documentation of submission shall be available for review and submitted upon request of the Licensing section.

2. Upon notification that the contractor has been convicted of a crime listed in R.S.15.587.1, the individual shall no longer be eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after notification has been made indicating that the contract has been terminated and the individual is no longer allowed access to the residents and/or children of residents. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the individual is ineligible to return to work or provide services. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the seventh day indicating that the individual has been suspended or no longer providing services. However, if the information is not submitted within 30 calendar days, the individual shall be terminated or no longer eligible to provide services for the provider. If the information is not submitted before the thirty-first calendar day following the request for information, the individual shall be terminated or no longer eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has been relieved of his position with the effective date of the termination/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked.

4. A person shall not be deemed a contractor if he/she is a staff person of the facility.

5. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be present in any capacity in the facility.

6. Criminal background checks are not transferable between owners.

#### F. Criminal Background Checks for Prospective Contractors effective June 1, 2020

1. Contractors hired to perform work which involves contact with residents and/or children of residents, shall be required to have documentation of a satisfactory fingerprint based criminal background check through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and R.S. 46:51.2. This check shall be obtained prior to the individual being present in the facility or having access to the residents and/or children of residents.

2. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be hired by or present in any capacity in the facility.

3. This check shall be obtained prior to the individual being present in the facility or having access to the residents and/or children of residents.

4. Criminal background checks (CBC) shall be dated no earlier than 45 days of the individual being present in the facility or having access to the residents and/or children of residents.

5. A person shall not be deemed a contractor if he/she is a staff person of the facility.

6. Criminal background checks are not transferable between owners.

#### G. Criminal Background Checks for Louisiana Department of Education (LDE) Staff effective June 1, 2020

1. Effective June 1, 2020, provider shall provide documentation that a fingerprint-based satisfactory criminal background check (CBC) through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and R.S. 17:15 for all Louisiana Department of Education staff or local school district staff that interact with children/youth prior to the individual providing services to children/youth has been conducted. This check shall be obtained prior to the individual being present in the facility or providing services for the facility. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be present in any capacity in any licensed facility.

a. For the first school year that a LDE staff person or local school district staff person provides services to a child or children, that LDE staff person or local school district staff person shall provide documentation of a fingerprint based satisfactory criminal record clearance through the Federal Bureau of Investigation (FBI) as required by R.S.15:587.1 and R.S. 17:15 or shall provide the original, completed, signed, notarized, DCFS-approved affidavit dated June 1, 2020 or after to the provider prior to being present and working with a child or children at the facility. A photocopy of the original affidavit shall be kept on file at the facility. This affidavit will be acceptable for the entire school year noted in the text of the affidavit and expires on May 31 of the current school year. For all subsequent school years following the first year, the LDE staff or local school district staff person shall present a new affidavit or an original, completed, and signed letter from the superintendent of the school district or designee or superintendent of LDE or designee noting that the individual continues to meet certain specific requirements. The provider will need to view the original letter presented by the LDE staff or local school district staff person and keep a photocopy of the original letter on file at the facility. This letter will be acceptable for the entire school year noted in the text of the letter and expires on May 31 of the current school year. The letter is acceptable only if all the following conditions are met:

i. the LDE staff person or local school district staff person has remained employed with the same school district as noted in the affidavit the provider has on file;

ii. the provider has maintained a copy of the affidavit on file; and

iii. the letter is presented on school district letterhead or LDE letterhead and signed by the superintendent of the school district or designee or superintendent of LDE or designee

iv. the letter notes the following:

a. individual is an employee and/or representative of the school district for the ex. (2020-2021) school year and is not employed or contracted on an emergency basis nor pursuant to written approval of any district judge or district attorney under to La. R.S. 17:15(A). As a prerequisite of

employment and/or representative status, he/she underwent a criminal background check as required by La. R.S. 17:15 and La. R.S. 15:587.1.

b. the superintendent or designee certifies that, according to that criminal background check, he/she has not been convicted of, or pled guilty or *nolo contendere* to, any of the criminal offenses set forth in La. R.S. 17:15 and/or La. R.S. 15:587.1(C).

c. the superintendent or designee certifies that he/she will notify the Director of DCFS Licensing in writing if superintendent/designee becomes aware that the individual is convicted of an offense enumerated in La. R.S. 17:15 and/or 15:587.1(C) during the school year which nullifies the affidavit and/or letter.

2. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1, shall be hired by or present in any capacity in the facility.

3. Criminal background clearances are not transferable between owners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 46:

#### **Family Impact Statement**

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

#### **Small Business Analysis**

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### **Provider Impact Statement**

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

#### **Public Comments**

All interested persons may submit written comments through February 25, 2020, to Angie Badeaux, Licensing Program Director, Department of Children and Family Services, P. O. Box 3078, Baton Rouge, LA, 70821.

#### **Public Hearing**

A public hearing on the proposed Rule will be held on February 25, 2020, at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 9:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For Assistance, call (225) 342-4120 (Voice and TDD).

Marketa Garner Walters  
Secretary

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: State Central Registry—Child Residential Care, Class B**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

In accordance with Act 243 of the 2019 RLS, the proposed rule requires owners, operators, managers, employees, contractors, and volunteers in Residential Homes, Class B facilities to obtain a federal background check.

The proposed rule change is anticipated to increase expenditures for the Department of Children and Family Services (DCFS) by approximately \$6,177 SGF in FY 20 associated with the publication of the proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will also increase revenue in the statutorily dedicated Criminal Identification and Information Fund by \$26 per person that applies for a background check. The Office of State Police administers background checks at a charge of \$39.25 each, of which \$26 will be deposited into the Criminal Identification and Information Fund and \$13.25 will be remitted to the federal government.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Owners, operators, managers, employees, contractors, and volunteers in Residential Homes, Class B facilities that currently do not have a federal background check on file will incur a cost of \$39.25 associated with the cost of the background check.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The implementation of this rule may reduce the number of available owners, operators, managers, employees, contractors, and volunteers in Residential Homes, Class B facilities given that individuals that do not pass the federal background check will likely be unemployable in these facilities.

Terri Ricks  
Deputy Secretary  
2001#036

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## **NOTICE OF INTENT**

### **Board of Elementary and Secondary Education**

Bulletin 140—Louisiana Early Childhood Care and  
Education Network  
Academic Approval; Accountability; and Coordinated  
Enrollment  
(LAC 28:CLXVII.Chapter 9)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXVII, *Bulletin 140—Louisiana Early Childhood Care and Education Network*. Louisiana Revised Statute 17:407.30 establishes the Louisiana Early Childhood Education Fund as a special treasury fund administered by

the Board of Elementary and Secondary Education (BESE). The statute provides that the fund shall be credited with appropriations, as well as public and private grants or donations, and will be awarded to local entities for early childhood care and education. The proposed revisions to *Bulletin 140—Louisiana Early Childhood Care and Education Network*, align BESE policy with R.S. 17:407.30.

## **Title 28**

### **EDUCATION**

#### **Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network**

#### **Chapter 9. Louisiana Early Childhood Education Fund**

##### **§901. Purpose, Scope, and Effect**

A. The purpose of this Chapter is to set forth the rules and regulations necessary to implement the provisions of R.S. 17:407.30, which creates the Louisiana early childhood education fund (the “fund”) for the purpose of funding certain early childhood education programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.30 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

##### **§903. Eligibility Requirements**

A. Subject to legislative appropriation, monies in the fund will be awarded annually to local entities approved by the board.

B. Fund awards are reserved for projects that expand the number of early childhood care and education quality seats for families eligible for the Child Care Assistance Program (CCAP) in type III early learning centers with a performance rating of “proficient” or above and at least one classroom with children age 15 months or younger.

C. Entities eligible to receive fund awards include, but are not limited to, BESE-approved local community networks and early learning centers.

D. Each applicant seeking an award must establish eligibility criteria for the early childhood care and education quality seats financed by local funds that serve as the match for the award. At a minimum, eligibility criteria established by each applicant must contain the following assurances:

1. that only those children whose family income makes them *economically disadvantaged*, as defined in Title 28, Part I, Chapter 11 of the *Louisiana Administrative Code*, shall be eligible for the early childhood care and education quality seats outlined in the applicant’s proposal; and

2. that at least 70 percent of any funding awarded to the applicant will be used to directly fund additional early childhood care and education seats in type III early learning centers with a performance rating of “proficient” or above and at least one classroom with children age 15 months or younger;

3. remaining awarded funding will be used to:

a. expand seats through improved quality; and

b. pay for audit costs required per §909 of this Chapter.

E. Funding is intended to supplement existing funding sources and not to be used to supplant existing state or federal funds.

F. Prior to the start of the 2022-2023 school year, the Early Childhood Care and Education Advisory Council shall review this Chapter and, as necessary, recommend revisions to BESE based on learnings from the first two years of the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.30 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

##### **§905. Application Process**

A. Local entities must submit an application to be considered for the allocation of these funds.

1. The application must define local needs using current data and define objective criteria through which the seats will be awarded.

B. Local entities seeking funding for qualifying projects must secure non-state and non-federal matching funds at a rate of at least one-to-one prior to the awarding of monies from the fund.

1. Eligible sources of a match for funds include locally-generated funds, including donations from private entities and allocations from local governmental entities.

2. School readiness tax credits will not be considered an eligible source of match for purposes of receiving funding pursuant to this Chapter.

C. The application submitted by the local entity must be accompanied by appropriate documentation as identified by the department to substantiate the existence of the match funding. Supporting documentation may include but is not limited to, letter(s) of donation from the donor to the local entity demonstrating the intent to donate a specified amount of funding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.30 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

##### **§907. Award Process**

A. A rubric will be used to identify award recipients, and the following criteria will be considered when recommending award recipients for approval to BESE:

1. Ready Start network status;

2. child care assistance program waitlist for the local entity’s community network;

3. child poverty rates in the local entity’s community network;

4. child care needs in terms of the economic development needs of the parish where the center is located; and

5. the extent to which the proposal increases the availability of high quality learning center seats statewide.

B. All applicants whose submission are selected to receive a funding award must submit documentation to the department to substantiate the existence and possession of the match funds including, but not limited to:

1. copy of check(s) received totaling the required match plus receipt for bank deposit into local entity’s bank account;

2. copy of bank statement which lists the deposit for the required match; or

3. copy of bank statement with balance totaling greater than the required match.

C. The total of all awards in any given year may not exceed the amount legislatively appropriated to the fund.

D. If a balance remains in the fund after every qualifying project under §903.B of this Chapter has been funded, then the board may consider awarding funds for the exclusive use of type III early learning centers to provide quality care for



children who are ages birth through two and whose parents are eligible for the Child Care Assistance Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.30 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

#### **§909. Audit of Awards**

A. A participating local entity must submit to the department an independent limited scope audit conducted by a certified public accountant who has been approved by the legislative auditor. Audit procedures will be developed by the department and will be limited in scope to those records necessary to substantiate that the funding received was utilized in accordance with program requirements and the approved application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.30 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

#### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on Rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on Rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until 12 p.m., February 9, 2020, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

##### **RULE TITLE: Bulletin 140—Louisiana Early Childhood Care and Education Network Academic Approval; Accountability; and Coordinated Enrollment**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There will be an increase in expenditures of the Louisiana Department of Education as a result of the proposed changes which implement Acts 353 of 2017 and 223 of 2019. The rule establishes the parameters for grant awards and spending requirements out of the Early Childhood Education Fund. The extent of spending is indeterminable; however, at this point in time, there are no monies in the Fund.

There may be an increase in expenditures of local governmental entities which choose to provide funding as part of the match requirement to apply for allocations out of the fund.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Local governmental entities which provide match funding may be eligible to receive allocations from the fund, to be distributed to Type III early learning centers for additional slots, quality improvements, and audit expenses.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There may be an increase in revenue for Type III early learning centers which qualify for allocations out of the "Louisiana Early Childhood Education Fund." The fund is designed to match non-state, non-federal funds that expand the number of early childhood care and education quality slots for families who are eligible for the Child Care Assistance Program that have at least one classroom with children age fifteen months or younger.

Families who gain an early childhood care and education quality slot as a result of a newly-funded project will benefit from the proposed revisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effect on competition and employment is unknown. Increased funding to early learning centers may increase the demand for qualified teachers and other support staff; however, any potential impacts cannot be determined at this time.

Beth Scioneaux  
Deputy Superintendent  
2001#068

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 741—Louisiana Handbook for School Administrators—Curriculum and Instruction  
TOPS University Diploma (LAC 28:CXV.2318 and 2319)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CXV, *Bulletin 741—Louisiana Handbook for School Administrators*. Proposed amendments incorporate courses into policy for high school graduation requirements. Additionally, courses required for the TOPS university diploma and the career diploma are aligned with corresponding Cambridge courses.

**Title 28**

**EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**

**Chapter 23. Curriculum and Instruction**

**Subchapter A. Standards and Curricula**

**§2318. The TOPS University Diploma**

A. - C.2.j. ...

3. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements will be the following:

a. - b.iv.(t). ...

c. science—four units:

i. - iii.(c).(iii). ...

(iv). principles of engineering (LSU partnership);

(d). - (g).(iv). ...

(v). Repealed.

(h). - (h).(iv). ...

(v). physics II: Cambridge AICE—AS (honors);

C.3.c.iii.(i).(vi). - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), LR 46:

**§2319. The Career Diploma**

A. - C.1.h. ...

2. The minimum course requirements for a career diploma for incoming freshmen in 2014-2015 and beyond shall be the following:

a. English—4 units:

i. - iii.(h). ...

(i). literature in English part 2: Cambridge AICE—AS (honors); or

a.iii.(j). - c.ii.(e). ...

(f). principles of engineering;

(g). any AP or IB science course PLTW principles of engineering;

(h). principles of engineering (LSU partnership);

(i). any AP or IB science course;

(j). physics I: Cambridge IGCSE;

(k). biology II: Cambridge AICE—AS (honors);

(l). chemistry II: AICE—AS (honors); or

(m). physics II: Cambridge AICE—AS (honors);

2.d. - 4....

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 46:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until 12 p.m., February 9, 2020, to Shan N. Davis,

Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Curriculum and Instruction TOPS University Diploma (LAC 28: CXV. Chapter 23)**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no anticipated costs or savings to state or local governmental units as a result of the proposed revisions which makes technical changes to the core curriculum options for the purpose of meeting high school TOPS university diploma requirements.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Currently there are no schools offering the proposed Cambridge Assessment International Education coursework. The University of Cambridge indicated enrollments are not expected until the 2020-2021 school year. At that time, high school students may benefit from the option of using such coursework to meet graduation requirements.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux  
Deputy Superintendent  
2001#067

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State Certification of  
School Personnel—Certifications and Endorsements  
(LAC 28: CXXXI.203, Chapter 3,  
417, 506, and Chapters 6-7)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28: CXXXI, *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. Proposed revisions provide the required passing score for the Louisiana Leadership Assessment Series.

**Title 28  
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for  
State Certification of School Personnel**

**Chapter 2. Initial Teacher Certification**

**Subchapter B. Testing Required for Certification Areas**

**§203. Certification Exams and Scores  
(Formerly §243)**

A. - D. ...

\* \* \*

E. Administrative and Instructional Support Areas

Certification Area	Name of Test	Area Test Score
* * *		
Content Leader	Louisiana Content Leader Assessment Series	5
Educational Leader—Level 1 (only one of the listed assessments in this certification area)	School Leaders Licensure Assessment (1011 or 6011)	166 (Effective until 7/31/20)
	School Leaders Licensure Assessment (6990)	151 (Effective 9/1/19)
	Louisiana Leadership Assessment Series	"Demonstrated" (for at least 9 assessments within this series)
Educational Leader—Level 3	School Superintendent Assessment (6021)	160 (Effective until 7/31/20)
	School Superintendent Assessment (6991)	162 (Current - )
* * *		
All PRAXIS scores used for certification must be sent directly from ETS to the state Department of Education electronically, or the original PRAXIS score report from ETS must be submitted with the candidate's application. The mentor teacher certificate may be earned by passing one of the cohort-specific Louisiana mentor teacher assessment series tests.		

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), amended LR 45:1458 (October 2019), LR 46:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

**Poverty Impact Statement**

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

**Small Business Statement**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), February 9, 2020, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201

North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel Certifications and Endorsements**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed revisions will not result in costs or savings to state or local governmental units.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Individuals pursuing the Educational Leadership Certificate (EDL1) will benefit, as the Louisiana Leadership Assessment Series (LLAS) provides an additional pathway to certification.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed changes could result in an increase in the number of individuals pursuing EDL1 certification.

Beth Scioneaux  
Deputy Superintendent  
2001#066

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## **NOTICE OF INTENT**

### **Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice**

Peace Officer Training (LAC 22:III.4703)

In accordance with the provision of R.S. 40:2401 et seq., the Peace Officer Standards and Training Act, and R.S. 40:905 et seq., which is the Administrative Procedure Act, the Peace Officer Standards and Training Council hereby gives notice of its intent to promulgate rules and regulations relative to the training of peace officers.

#### **Title 22**

### **CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT**

#### **Part III. Commission on Law Enforcement and Administration of Criminal Justice**

##### **Subpart 4. Peace Officers**

#### **Chapter 47. Standards and Training**

##### **§4703. Basic Certification**

A. - A.1.c. ...

d. The council shall conduct a statewide job task analysis (JTA) at least once every five years to ensure that mandated standards remain valid and reflect current law enforcement practices. Results of the analysis shall be used to update the basic curriculum as needed.

A.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 13:434 (August 1987), amended LR 25:663 (April 1999), LR 27:49 (January 2001), LR 28:475 (March 2002), LR 31:2008 (August 2005), LR 35:1235 (July 2009), LR 36:992 (May 2010), LR 37:1606 (June 2011), LR 42:274 (February 2016), LR 44:1007 (June 2018), LR 46:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule has been considered. This proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it establishes minimum timelines for the conduct of statewide job task analysis by the POST Council.

#### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through post-secondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

An analysis of the proposed Rule shows that it will have no impact on the family as described in R.S. 49:972, nor any impact on small business as defined by Act 820 of 2008

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirement or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to the same level of service.

#### **Public Comments**

Interested persons may submit written comments on this proposed rule no later than February 20, 2020, at 5 pm to Bob Wertz, Peace Officer Standards and Training Council, Louisiana Commission on Law Enforcement, Box 3133 Baton Rouge, LA 70821.

Mr. Jim Craft  
Executive Director

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Peace Officer Training**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule will likely result in SGF expenditures of approximately \$49,500 once every five years based on the FY

20 estimated cost. The proposed rule will require the POST Council to conduct a job task analysis at least once every five years. Completing a job task analysis at least once every five years ensures that the POST Basic Officer Curriculum remains current and reflects best practices. Potential savings may result from decreasing the risk associated with incomplete and/or outdated training standards.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule may create economic benefits for POST certified individuals. The additional training standard adds a provision to ensure that the basic training curriculum for peace officers is periodically updated to reflect best practices.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment in the public or private sector as a result of this proposed rule.

Jim Craft  
Executive Director  
2001#048

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Medical Examiners**

**Physician Practice; Marijuana for Therapeutic Use by  
Patients Suffering From a Debilitating Medical Condition  
(LAC 46:XLV.Chapter 77)**

Editor's Note: This Notice of Intent is being repromulgated to correct processing errors. The original Notice of Intent may be viewed on pages 1872-1874 of the December 20, 2019 edition of the *Louisiana Register*.

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et. seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, and Louisiana law governing medical marijuana, R.S. 40:1046, the Board intends to amend its Rules governing physicians who diagnose their patients with a debilitating medical condition for which marijuana may be recommended, LAC 46:XLV Chapter 77. The proposed amendments are needed to conform the board's rules to Act 284 of the 2019 Regular Session of the Louisiana Legislature. Among other items, the proposed changes remove the: (i) provision requiring annual reporting by the board to the legislature as to its views on any additional diseases or conditions that should be added to the list of debilitating conditions (§7701.A.2); (ii) definition of step therapy or fail first protocols (§7705.A), as well as the corollary exceptions respecting such use (§7709.A.2); and (iii) physician domiciliary requirement for a physician to recommend marijuana (§7711.A.3). The proposed amendments also modify the definition of marijuana to exclude a metered-dose inhaler, if permitted by rules adopted by the Louisiana Board of Pharmacy, from the general prohibition against inhalation as an acceptable form of medical marijuana (§7705.A).

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLV. Medical Professions**

**Subpart 3. Practice**

**Chapter 77. Marijuana for Therapeutic Use by  
Patients Suffering from a Debilitating  
Condition**

**Subchapter A. General Provisions**

**§7701. Preamble, Warning, and Suggested Consultation**

A. Preamble—State Law. Pursuant to Act 261, R.S. 40:1046, of the 2015 Session of the Louisiana Legislature, as amended and supplemented by Act 96 of the 2016 Session of the Louisiana Legislature, the Louisiana State Board of Medical Examiners was directed to:

1. ...
2. Repealed.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2631 (December 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:318 (February 2017), LR 46:

**§7705. Definitions**

A. As used in this Chapter, the following terms and phrases shall have the meanings specified.

\* \* \*

*Marijuana*—tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols in any form, except for inhalation, raw or crude marijuana, as permitted by the rules and regulations of the Louisiana Board of Pharmacy (LBP). For purposes of this definition *inhalation* shall not exclude a form of medical marijuana administered by metered-dose inhaler to the extent permitted by LBP rules.

\* \* \*

*Step Therapy or Fail First Protocols*—repealed.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2632 (December 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:319 (February 2017), LR 46:

**Subchapter B. Prohibitions and Exceptions**

**§7709. Exceptions**

A. This Chapter is subject to the following exceptions.

1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2632 (December 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:319 (February 2017), LR 46:

**Subchapter C. Registration**

**§7711. Registration, Physician Eligibility**

A. To be eligible for registration under this Chapter a physician shall, as of the date of the application:

1. - 2. ...
3. Repealed.

A.4. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2633 (December 2015), amended by the Department of Health, Board of Medical Examiners LR 43:319 (February 2017), LR 46:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

#### **Poverty Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

#### **Provider Statement**

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

#### **Small Business Analysis**

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:965.2 et seq.

#### **Public Comments**

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until January 20, 2020.

#### **Public Hearing**

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on January 27, 2020 at 9 a.m., at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held.

Vincent A. Culotta, Jr., M.D.,  
Executive Director

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Physician Practice; Marijuana for Therapeutic Use by Patients Suffering From a Debilitating Medical Condition**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will result in a one-time publication expense estimated to total \$639 in FY 20 for the LA State Board of Medical Examiners (LSBME). Otherwise, it is not anticipated that the proposed changes will have any impact on any state or local governmental units, inclusive of adjustments in workload and paperwork requirements.

The proposed rule changes amend rules governing the practice of physicians who diagnose their patients with a qualifying debilitating medical condition (DMC) for which therapeutic marijuana (TM) may be recommended to conform them to Act 284 of 2019. Consistent with Act 284, the proposed changes amend the Board's existing rules to remove the following requirements: for annual reporting by the Board to the legislature as to any additional diseases or conditions that should be added/removed from the list of DMCs; that a physician utilize step therapy or fail first protocols and the exceptions respecting its use; and that a physician be domiciled and practice at a physical practice location in this state to recommend TM. Lastly, the proposed changes modify the definition of marijuana to exclude a metered-dose inhaler, as permitted by rules adopted by the Board of Pharmacy, from the general prohibition against "inhalation" as an acceptable form of TM.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not affect revenue collections for state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

It is not anticipated that the proposed rule changes will significantly affect the workload and/or income of physicians who may diagnose or patients who may be treated with TM for a debilitating medical condition. Patients who may be recommended TM for a DMC may benefit, as the proposed rule changes ease access to TM.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes are not anticipated to affect competition and employment.

Vincent A. Culotta, Jr. M.D.  
Executive Director  
2001#072

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## **NOTICE OF INTENT**

### **Department of Health Board of Social Work Examiners**

LMSWs Seeking the LCSW Credential  
(LAC 46:XXV.Chapters 1-9)

The Louisiana State Board of Social Work Examiners intends to amend §503, LMSWs Seeking the LCSW Credential under the authority granted by R.S.

37:2705(C)(1). These amendments will apply to all licensed master's social workers under supervision for licensing and licensed clinical social workers-board approved clinical supervisors providing such supervision and amend §503, LMSWs Seeking the LCSW Credential.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XXV. Credentialed Social Workers**

#### **Chapter 5. Minimum Supervision Requirements**

#### **§503. LMSWs Seeking the LCSW Credential**

A. Supervision for the LCSW license can begin after the MSW obtains LMSW. Supervision shall be documented on the forms provided by the board.

B. Supervision for the LCSW license is conducted by a board-approved clinical supervisor (BACS). LMSWs may obtain a list of BACS from the board's website or office.

C. The supervision contract shall be completed by the supervisor, the supervisee, and the agency supervisor and shall be submitted to the Board office by the supervisee within 60 days of the first supervision session. The employment verification shall be completed by the employer and shall be submitted by the supervisee along with the supervision contract. Failure to do so shall result in supervision being issued from the date that is 60 days from the date received. A new supervision contract shall be submitted by the supervisee within 60 days of the change when the supervisee changes employment, changes supervisor and/or there is a change in the agency supervisor. If there is a change in employment, the supervisee must also submit a new employment verification. The board office will email the supervisee and supervisor a notice confirming receipt of the supervision contract and the beginning date of supervision, within 60 days of receipt of the contract.

D. LMSWs seeking the LCSW credential must complete a minimum of 5,760 hours of postgraduate social work practice and at least 3,840 hours of that postgraduate social work practice must be under the supervision of a board-approved clinical supervisor (BACS).

E. During the 3,840 hours of supervised practice, 96 hours of face-to-face supervision must occur between the supervisor and supervisee. Supervisory meetings must last no fewer than 30 minutes and no longer than 2 hours. In no case should more than 80 hours of practice occur without a supervisory meeting. Supervision credit shall not be issued for the time-period that this requirement is not met.

F. One-half (48 hours maximum) of the supervision requirement may be met through group supervision, occurring in increments of no more than two hours per group. No more than five supervisees may participate in a supervision group. In some cases, it may be beneficial to increase the number of group supervision hours. To obtain approval for up to 72 hours of group supervision, the supervisor must submit a written request to the board indicating the rationale for the increase. The board shall consider the request at a regularly scheduled board meeting and notify the supervisor of its decision within 30 business days.

G. School social workers shall count hours of postgraduate social work practice and supervision that occurs when they are employed in a social work position.

H. Occasionally, a need may arise for supervision to occur using electronic communication rather than on a face-to-face

basis. The board may consider alternatives to face-to-face supervision if the applicant can demonstrate an undue burden due to hardship, disability or travel time. All situations of remotized supervision must be approved by the board. To receive approval, the supervisee should submit a written request containing specific details to the board. The board shall consider the request at a regularly scheduled Board meeting and notify the supervisor of its decision within 30 business days. If approved, the supervisor and supervisee agree to use secure technology that provided real-time, visual contact among the individuals involved, and adheres to the confidential nature of the supervisory process.

I. The supervisee and supervisor shall keep accurate records of both the dates of supervision sessions and the time spent in supervision, as well as brief information on the content of the supervisory session. Both the supervisor and supervisee will sign for each supervisory session. This information shall be provided on the form entitled record of supervision and should be maintained by the supervisee. Upon completion of supervision, this form shall be submitted to the board office. The board may also choose to randomly audit the record of supervision form to verify that supervision occurred in accordance with §503. If irregularities are found, supervision credit shall be reduced to reflect actual supervised time.

J. The supervisor shall also keep a supervision folder and it shall include the following:

1. copy of the supervision contract;
2. narrative of all supervisory sessions, including overview of cases discussed, significant decisions made; any ethical concerns; significant problems arising in supervision, and how they were resolved;
3. copies of memos and correspondence;
4. copy of evaluation of supervision form;
5. copies of the record of supervision.

K. The supervisor has a professional responsibility to honor his/her commitment to supervise responsibly, which includes covering content as indicated in the supervision contract, maintaining accurate records, making themselves available to the supervisee for required sessions and other consultations, and submitting forms on a timely basis. Should the supervisor fail to submit forms appropriately, and on a timely basis, the board reserves the right to withdraw the BACS designation from the supervisor.

L.1. The supervisee shall provide to the board office the following documents at the end of the supervisory period:

- a. evaluation of supervision;
  - b. record of supervision.
2. The board office does not confirm receipt of these forms. These forms will be reviewed once an application for LCSW is filed by the LMSW.

M. An evaluation of supervision form shall be submitted to the board office at the completion of that supervisor's supervisory period. Sometimes it is necessary for a supervisor to discontinue supervising a LMSW for licensure. When this occurs, no matter what length of time the supervisor actually supervised the supervisee, the supervisor must submit an Evaluation of Supervision form.



N. The professional experience verification record shall be submitted by the supervisee to the board office from each place of employment to verify dates employed and the hours of social work practice completed during the time employed. The professional experience verification record shall be completed by the employer(s).

O. If the LMSW receives supervision outside of the state of Louisiana, that supervision will be accepted if:

1. the supervisor has completed the authorized forms of the Louisiana State Board of Social Work Examiners; and

2. the supervisor is licensed at the time of supervision at a level substantially equivalent to a LCSW-BACS in the other state and submits the license verification of out of state supervisor form (available from board office).

The board's publication, Supervision for Professional Development and Public Protection: A Guide, provides more information relative to supervision.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2705(C).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:307 (February 2000), amended LR 29:2387 (November 2003), LR 34:1402 (July 2008), LR 37:2620 (September 2011), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40:306 (February 2014), amended by the Department of Health, Board of Social Work Examiners, LR 43:960 (May 2017), LR 46:

#### **Family Impact Statement**

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

#### **Small Business Analysis**

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### **Provider Impact Statement**

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

#### **Public Comments**

All interested persons may submit written comments through April 2, 2020, to Emily DeAngelo, Administrator, Louisiana State Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, LA 70809.

#### **Public Hearing**

A public hearing on the proposed Rule will be held on April 3, 2020, at the office of the Louisiana State Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, LA 70809 beginning at 3:00 p.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact Emily DeAngelo at least five business days in advance of the hearing at (225)756-3470.

Emily DeAngelo  
Administrator

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: LMSWs Seeking the LCSW Credential**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will result in a marginal, one-time expenditure of funds for the LA State Board of Social Work Examiners (LBSWE) to publish the proposed and final rules in the LA State Register. There will be no additional costs or savings for other state or local governmental units. The proposed rule changes generally clarify and add provisions relative to supervision of licensed master social workers (LMSWs) seeking licensure as licensed clinical social workers (LCSWs).

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not affect revenue collections for state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes benefit licensed master social workers (LMSWs) seeking licensure as licensed clinical social workers (LCSWs), as well as their supervising LCSWs, as it clarifies the supervision process, as well as record-keeping requirements. Furthermore, the proposed rule changes allow LMSWs seeking licensure to partake in group supervision and to receive supervision through electronic means. LMSWs receiving supervision through electronic means will likely realize reduced travel costs as a result. Furthermore, LMSWs undergoing group supervision may be charged less than LMSWs under individual supervision to the extent supervising LCSWs charge fees for supervising activities. However, the extent of these savings is unknown as there are no standard amounts for supervisory fees.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes will not affect competition or employment.

Emily DeAngelo  
Administrator  
2001#055

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## **NOTICE OF INTENT**

### **Department of Health Bureau of Health Services Financing**

Behavioral Health Service Providers  
Licensing Standards  
(LAC 48:I.5603,5605, and 5606)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.5603 and §5605 and adopt §5606 as authorized by R.S. 36:254 and R.S. 40:2151-2162. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the licensing standards for behavioral health service providers in order to provide further definitions and provisions related to

geographic service area and to update the facility need approval definition to align with current practice regarding the requirement for a letter of approval from the Facility Need Review Committee for applicants who seek to provide psychosocial rehabilitation or community psychiatric support and treatment services.

#### **Title 48**

### **PUBLIC HEALTH-GENERAL**

#### **Part 1. General Administration**

##### **Subpart 3. Licensing**

#### **Chapter 56. Behavioral Health Service Providers**

##### **Subchapter A. General Provisions**

##### **§5603. Definitions**

\* \* \*

*Facility Need Approval (FNA)*—the letter of approval from the Office of Behavioral Health which is required for licensure applicants for opioid treatment programs prior to applying for a BHS provider license or the letter of approval from the Facility Need Review Committee within the department which is required for licensure applicants for PSR or CPST services prior to applying for a BHS provider license.

\* \* \*

*Geographic Service Area*—the geographic area and location that a BHS provider's license allows services to be provided; for purposes of this licensing rule, geographic service area shall be as follows:

1. for providers operated by a human service district or authority, the geographic service area shall be the parishes and jurisdiction of the district or authority as defined in statute; and
2. for all other BHS providers, the geographic service area shall be the parish in which that provider has its business office and any contiguous parishes.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2162.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:

##### **Subchapter B. Licensing**

##### **§5605. General Provisions**

A. - B. ...

C. A BHS provider license shall:

1. - 4. ...
5. be invalid if sold, assigned, donated or transferred, whether voluntary or involuntary;
6. be posted in a conspicuous place on the licensed premises at all times;
7. be valid for only one geographic service area; and
8. enable the BHS provider to render delineated behavioral health services within its geographic service area as defined in Section 5603.

D. - G.3....

4. The off-site shall operate within the same geographic service area, as defined in Section 5603, as the parent facility.
  - a. - b. Repealed.

G.5. - L.9. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2162.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1687 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:

##### **§5606. License Restrictions**

A. A BHS provider shall provide only those services or modules:

1. specified on its license; and
  2. only to clients residing in the provider's designated geographic service area or at the provider's licensed location.
- B. A BHS provider may apply for a waiver from the Health Standards Section (HSS) to provide home or community services to a client residing outside of the provider's designated geographic service area only under the following conditions:

1. A waiver may be granted by HSS if there is no other BHS provider in the client's service area that is licensed and that has the capacity to provide the required services to the client.
2. The provider shall submit a written waiver request to HSS.
3. The written waiver request shall be specific to one client and shall include the reasons for which the waiver is requested.
4. HSS shall approve or deny the waiver request within 30 days of receipt of the written waiver request, and shall provide written notice to the provider via mail or electronic transmission (email or facsimile).
5. The provider shall notify the client of HSS's decision.

C. The provider shall not provide services to a client residing outside of the provider's designated geographic service area unless the provider has received a written waiver request approval from HSS.

D. There is no appeal from a decision by HSS to deny a waiver request under this Section.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2162.

**HISTORICAL NOTE:** Promulgated by the Department of Health, Bureau of Health Services Financing, LR 46:

##### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

##### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

##### **Small Business Analysis**

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

##### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature,

the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on February 29, 2020.

#### **Public Hearing**

The department will conduct a public hearing at 9:30 a.m. on February 27, 2020 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. Parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Rebekah E. Gee, MD, MPH  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Behavioral Health Service Providers Licensing Standards**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 19-20. It is anticipated that \$756 will be expended in FY 19-20 for the state's administrative expense for promulgation of this proposed rule and the final rule.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections since the licensing fees, in the same amounts, will continue to be collected.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed Rule amends the provisions governing the licensing standards for behavioral health service (BHS) providers in order to provide further definitions and provisions related to geographic service area and to update the facility need approval definition to align with current practice regarding the requirement for a letter of approval from the Facility Need Review Committee for applicants who seek to provide psychosocial rehabilitation or community psychiatric support and treatment services. Implementation of this proposed Rule will be beneficial to BHS providers by ensuring that the requirements for licensure are reflected accurately in the Louisiana Administrative Code. It is anticipated that the implementation of this proposed rule will have no costs or economic benefits to behavioral health service providers or small business in FY 19-20, FYU 20-21 and FY 21-22.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This rule has no known effect on competition and employment.

Cecile Castello, BSN, RN  
Deputy Assistant Secretary  
2001#047

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Health Bureau of Health Services Financing**

#### **Medicaid Eligibility—Transfers of Assets (LAC 50:III.10905)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:III.10905 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) issued revised guidance which allows the penalty period for individuals applying for, or receiving, home and community-based services (HCBS) who transfer assets for less than fair market value to begin on the date on which the individual is eligible for Medicaid and would otherwise be receiving HCBS. In compliance with CMS requirements, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing transfers of assets in the Medical Assistance Program to allow for the imposition of a penalty period for individuals applying for, or receiving HCBS, who transfer assets for less than fair market value.

#### **Title 50**

#### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part III. Eligibility**

#### **Subpart 5. Financial Eligibility**

#### **Chapter 109. Transfers of Assets**

#### **§10905. Transfers**

A. - B. ...

C. For transfers of assets for less than fair market value, the period of ineligibility for an individual in a long term care facility begins the later of the first day of the month after which the asset was transferred for less than fair market value or the date on which the individual is eligible for Medicaid and is receiving institutional level of care services (based on an approved application for such services) that, but for the imposition of the penalty, would be covered by Medicaid.

1. ...

D. For transfers of assets for less than fair market value, the period of ineligibility for an individual applying for, or receiving, home and community-based services (HCBS) waiver services begins the later of the first day of the month after which the asset was transferred for less than fair market value or the date on which it is determined that the individual meets the financial and non-financial requirements for Medicaid eligibility and all other requirements for admission to an HCBS waiver are met.

E. - G.13.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1411 (July 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 46:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive effect on family functioning, stability and autonomy as described in R.S. 49:972 since individuals seeking waiver services may be eligible for these services sooner.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments to Erin Campbell, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Campbell is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on February 29, 2020.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on February 10, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on February 27, 2020 in Room 118 of the Bienville Building,

which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after February 10, 2020. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Rebekah E. Gee MD, MPH  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Medicaid Eligibility Transfers of Assets**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 19-20. Any fiscal impact will depend on the availability of additional HCBS waiver slots in future fiscal years. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 19-20 for the state's administrative expense for promulgation of this proposed rule and the final rule.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 19-20. It is anticipated that \$270 will be collected in FY 19-20 for the federal share of the expense for promulgation of this proposed rule and the final rule.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

In compliance with U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requirements, this proposed rule amends the provisions governing transfers of assets in the Medical Assistance Program to allow for the imposition of a penalty period for individuals applying for, or receiving, home and community-based services (HCBS) who transfer assets for less than fair market value. Under the provisions of this proposed Rule, the penalty period will begin the date on which the individual is eligible for Medicaid and would "otherwise be receiving" HCBS. Individuals seeking or receiving HCBS waiver services will be impacted by the implementation of this proposed Rule, since previous CMS guidance required that the penalty period begin when the individual is eligible for Medicaid and "receiving" services. This proposed Rule eliminates a barrier for these individuals, which will result in more of them being determined eligible for these services; however, the proposed Rule does not increase the number of available HCBS waiver slots. Any fiscal impact will depend on the availability of additional HCBS waiver slots in subsequent years. It is anticipated that implementation of this proposed Rule will not result in costs or economic benefits to HCBS providers or small businesses in FY 19-20, FY 20-21, and FY 21-22.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This rule has no known effect on competition and employment.

Erin Campbell  
Acting Medicaid Director  
2001#046

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health Emergency Response Network Board

#### Stroke Center Recognition (LAC 48:I.Chapter 187)

Notice is hereby given that the Louisiana Emergency Response Network Board has exercised the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and intends to codify in LAC 48:I. 18701-18708, as amended and/or adopted by the Louisiana Emergency Response Network Board in a meeting of November 21, 2019, specifically by amending LAC 48:I.18701, 18703 and 18705, and by adopting LAC 48:I.18706 and 18708, amended and adopted as authorized by R.S. 9:2798.5, under Chapter 187, Requirements for Stroke Recognition. The rules amend the designations of and criteria for stroke centers and attestations for stroke centers in Louisiana, and adopt stroke center data submission requirements and set forth consequences for failure to submit stroke data to LERN.

#### Title 48

#### PUBLIC HEALTH—GENERAL

#### Part I. General Administration

#### Subpart 15. Louisiana Emergency Response Network Board

#### Chapter 187. Requirements for Louisiana Stroke Center Recognition

##### §18701. Stroke Center Recognition

A. The Louisiana Emergency Response Network Board (LERN) and the Louisiana Department of Health recognize the following six levels of stroke facilities:

1. CSC: comprehensive stroke center (formerly designated as level 1);
2. TSC: thrombectomy capable stroke center;
3. PSC-E: primary stroke center with endovascular capability;
4. PSC: primary stroke center (formerly designated as level 2);
5. ASRH: acute stroke ready hospital (formerly designated as level 3); and
6. stroke bypass hospital (formerly designated as level 4).

B. Participation in Louisiana stroke center recognition is voluntary and no hospital shall be required to participate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A) and 48:2845(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 40:2590 (December 2014), amended by the Department of Health, Emergency Response Network LR 46:

##### §18703. Stroke Center Criteria

A. Each facility participating in stroke center recognition shall meet the following criteria.

1. CSC: a comprehensive stroke center (CSC) will meet the requirements specified by the joint commission or other board approved accrediting/certification body approved

by LERN for comprehensive stroke center certification. Attestation as a CSC is only allowed after verification by the joint commission or other LERN approved accrediting/certification body that the facility meets all requirements set forth in the CSC standards.

2. TSC: a thrombectomy capable stroke center (TSC) will meet the requirements specified by the joint commission or other board approved accrediting/certification body approved by LERN for thrombectomy capable stroke center certification. Attestation as a TSC is only allowed after verification by the joint commission or other LERN approved accrediting/certification body that the facility meets all requirements set forth in the TSC standards.

3. PSC-E: a primary stroke center (PSC-E) shall meet the requirements specified by the joint commission, healthcare facilities accreditation program (HFAP), or other LERN approved accrediting/certification body for Primary Stroke Center verification. Attestation as a PSC-E is only allowed after verification by the joint commission, HFAP, or other LERN approved accrediting/certification body that the facility meets all requirements set forth in the PSC standards. In addition to PSC requirements, a PSC-E must have physician(s) credentialed to perform mechanical thrombectomy and must update resource management portal of endovascular availability at all times. If a physician credentialed to perform endovascular capability is not available, the PSC-E must notify all EMS providers in the region when endovascular resources are not available. The PSC-E must collect and submit quarterly to LERN the same data the joint commission requires the Thrombectomy Stroke Capable centers to collect.

4. PSC: a primary stroke center (PSC) shall meet the requirements specified by the joint commission, healthcare facilities accreditation program (HFAP), or other LERN approved accrediting/certification body for primary stroke center verification. Attestation as a PSC is only allowed after verification by the joint commission, HFAP, or other LERN approved accrediting/certification body that the facility meets all requirements set forth in the PSC standards.

5. ASRH: an acute stroke ready hospital (ASRH) will provide timely access to stroke care but may not meet all criteria for a CSC, TSC, or a PSC or a PSC-E facility. An ASRH will provide acute stroke care in urban and rural areas where transportation and access are limited. An ASRH is intended to recognize models of care delivery that have shown utility, including “drip-and-ship” and telemedicine. An ASRH must meet requirements adopted by LERN and submit quarterly data as required by LERN. LERN approved requirements are based on national best practice guidelines.

6. Stroke bypass hospital: a stroke bypass hospital should not receive patients exhibiting signs or symptoms of stroke except for instances when the clinical situation requires stopping at the closest emergency department. A stroke bypass hospital must have:

- a. transfer protocol in place for transfer to higher levels of care through written and agreed upon relationship with a CSC, TSC, PSC, PSC-E or ASRH stroke center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A) and 48:2845(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 40:2590 (December 2014), amended by the Department of Health, Emergency Response Network LR 46:

#### **§18705. Attestation for Stroke Center Recognition**

A. A hospital seeking CSC, TSC, PSC-E, ASRH or stroke bypass recognition will submit an affidavit of the hospital CEO to LERN detailing compliance with the requirements designated herein.

1. A center or hospital seeking CSC recognition which submits a copy of that level of certification by a LERN-recognized organization, such as the joint commission or other LERN approved accrediting/certification body, shall be assumed to meet the requirements for recognition.

2. A center or hospital seeking TSC stroke center recognition which submits a copy of that level of certification by a LERN-recognized organization, such as the joint commission, HFAP, or other LERN approved accrediting/certification body, shall be assumed to meet the requirements for recognition.

3. A center or hospital seeking PSC-E stroke center recognition which submits a copy of PSC certification by a LERN-recognized organization, such as the joint commission, HFAP, or other LERN approved accrediting/certification body, shall be assumed to meet the requirements for recognition. In addition to a copy of the certification, the CEO must also attest to meeting the additional board approved requirements.

4. A center or hospital seeking PSC stroke center recognition which submits a copy of that level of certification by a LERN-recognized organization, such as the joint commission, HFAP, or other LERN approved accrediting/certification body, shall be assumed to meet the requirements for recognition.

5. Although a center or hospital seeking ASRH stroke center recognition is not required to obtain certification by an external certifying body, a hospital which submits a copy of ASRH certification by a LERN-recognized organization, such as the joint commission, HFAP or other LERN approved accrediting/certification body, shall be assumed to meet the requirements for recognition. Hospitals must all meet LERN ASRH requirements and approved data submission requirements.

6. Each center or hospital shall submit proof of continued compliance every two years by submission of an affidavit by its CEO.

B. A hospital or center which fails to meet the requirements as attested, or which no longer chooses to maintain state Stroke Facility level recognition, shall immediately notify LERN and local EMS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A) and 48:2845(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 40:2590 (December 2014), amended by the Department of Health, Emergency Response Network LR 46:

#### **§18706. Stroke Center Data Submission Requirements**

A. All stroke centers, whether CSC, TSC, PSC-E, PSC or ASRH are required to submit certain data to the board on a quarterly basis.

B. The requirements of and for data submission are posted on the LERN website, <http://lern.la.gov/lern-stroke-system/stroke-data-collection>.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A) and 48:2845(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 46:

#### **§18708. Failure to Submit Stroke Data to LERN**

A. Hospitals not submitting data for one quarter or not submitting the required action plan and/or mock code, if applicable, will result in automatic probation, which will generate a warning letter to the CEO. The letter will communicate LERN board expectation for data and (action plan and/or mock code, if applicable) submission for the missed quarter and the following quarter.

B. For a hospital not submitting data to the board for two consecutive quarters, the hospital will automatically be demoted to a stroke bypass hospital.

C. Once a hospital demotes to a stroke bypass hospital for non-adherence with submission requirement, the hospital CEO cannot re-attest until the hospital has submitted two consecutive quarters of data meeting standards.

D. If a hospital fails to meet the performance metrics after two quarters of participation in data review, the board appointed stroke subcommittee will present the blinded data to the board for a vote on demotion to stroke bypass hospital versus continued remediation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A) and 48:2845(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 46:

#### **Family Impact Statement**

1. What effect will this rule have on the stability of the family? The proposed rule will not affect the stability of the family.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? The proposed rule will not affect the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? The rule will not affect the functioning of the family.

4. What effect will this have on family earnings and family budget? This rule will not affect the family earnings or family budget.

5. What effect will this have on the behavior and personal responsibility of children? This rule will not affect the behavior or personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, the proposed rule will have no impact.

#### **Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

#### **Small Business Statement**

The impact of the proposed Rule on small business has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small business as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small business.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of these proposed Rules has been considered. It is anticipated that this proposed Rule will have

no impact on the staffing level requirements or qualifications required to provide the same level of service, and no increase on direct or indirect cost. The proposed Rule will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments relative to the proposed Rule until 4:30 p.m., Monday, February 10, 2020 to Paige Hargrove, Louisiana Emergency Response Network, 14141 Airline Hwy., Suite B, Building 1, Baton Rouge, LA 70817, or via email to [paige.hargrove@la.gov](mailto:paige.hargrove@la.gov).

Paige Hargrove  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Stroke Center Recognition**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change is anticipated to increase expenditures for LERN by approximately \$1,060 in FY 20 associated with publication cost.

The proposed rule updates the requirements for a facility to receive recognition as a stroke center. Specifically, the rule updates the terminology used to identify levels of stroke centers to align with industry standards and clarifies the criteria that must be met to qualify for each level of recognition. Additionally, the rule codifies the current process for stroke centers to submit quarterly data to the LERN Board. The rule also provides the consequences if a facility fails to submit quarterly data to the board, which may include probation and/or reclassification to a stroke bypass hospital.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of the proposed rule is not anticipated to have an effect on revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups. The rule updates the requirements for a facility to receive recognition as a stroke center. Participation in this recognition is voluntary, and no hospital is required to participate.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule is not anticipated to have an effect on competition or employment.

Paige Hargrove  
Executive Director  
2001#026

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## **NOTICE OF INTENT**

### **Department of Health Office for Citizens with Developmental Disabilities**

#### **Certified Medication Attendants—Qualifications (LAC 48:IX.907)**

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that, the Louisiana Department of Health, Office for Citizens with Developmental Disabilities (LDH-OCDD), hereby proposes to amend LAC 48:IX Developmental Disabilities Services, Chapter 9 §907. Qualification of Applicants to be Medication Attendants. The intent of the proposed amendment is to update the Rule pursuant to ACT 45 of the 2019 Regular Legislative Session which amended R.S. 37:1025(A).

#### **Title 48**

#### **Public Health—General**

#### **Part IX. Developmental Disabilities Services**

#### **Chapter 9. Guidelines for Certification of Medication Attendant.**

#### **§907. Qualifications of Applicants to be Medication Attendants**

A. Each person accepted to participate in the medication attendant course must be:

1. a citizen of the United States, a United States national, or an alien lawfully admitted for permanent residency in the United States.

2. employed in a facility operated by the Office for Citizens with Developmental Disabilities (OCDD), in a community home for persons with developmental disabilities funded through the Louisiana Department of Health (LDH) or the Department of Children and Family Services (DCFS), or in an intermediate care facility for people with developmental disabilities; or be a person who provides in-home Medicaid home and community-based services;

3. - 4. ...

5. free of communicable diseases and in suitable physical and emotional health to administer medications safely;

6. without a known record or history of drug abuse or record of conviction of a felony.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:695 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:1527 (September 2016), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 46:

#### **Family Impact Statement**

In compliance with Act 1183 of the 199 Regular Legislative Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It

is anticipated that this proposed Rule will not have an adverse impact on family functioning, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Legislative Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will not have an adverse impact on child, individual and family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

It is anticipated that the proposed Rule will not have a significant adverse effect on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

#### **Provider Impact Statement**

After considering House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments about the proposed Rule to Carol Lee, Office for Citizens with Developmental Disabilities, P.O. Box 3117, Baton Rouge, LA 70821-3117. Ms. Lee is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is 4:30 p.m. on February 28, 2020.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629, however, such request must be received no later than 4:30 p.m. on February 10, 2020. If the criteria set forth in R.S. 49:953 (A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on Friday, February 28, 2020 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested parties should first call Allen Enger at (225) 342-1342 after February 10, 2020. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Certified Medication Attendants Qualifications**

### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change is anticipated to increase expenditures for the Office for Citizen with Developmental Disabilities (OCDD) by approximately \$320 in FY 20 associated with publication cost.

In compliance with Act 45 of the 2019 Regular Legislative Session, the proposed rule updates the qualifications for applicants to be a certified medication attendant(CMA). Specifically, the proposed rule removes the provision that an attendant must be a resident of Louisiana and adds the provision that an attendant may be a United States national or an alien lawfully admitted for permanent residency in the United States.

State Medicaid costs are not anticipated to change as a result of this rule. CMAs administer medications to patients and are employed by Intermediate Care Facilities (ICFs) and Home and Community Based Services (HCBS) providers. ICFs receive a Medicaid per diem rate to provide services to patients. The per diem rate will not change. HCBS providers receive a set rate to administer medication to patients. This rate will not change. Additionally, implementation of this rule is not anticipated to change access, as it does not impact the number of patients that receive medication.

### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of the proposed rule is not anticipated to have an effect on revenue collections of state or local governmental units.

### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Health care providers will benefit because they will have access to a larger pool of applicants for CMA positions.

### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Because of fewer residency and citizenship restrictions, the proposed amendments may increase the number of certified medication attendants eligible for employment in Louisiana.

Julie Foster Hagan  
Assistant Secretary  
2001#023

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## **NOTICE OF INTENT**

### **Department of Health Office of Public Health**

Louisiana Immunization Network/LINKS  
(LAC 51:II.101, 701, 703 and XXI.101)

Under the authority of R.S. 40:4, R.S. 40:5 and R.S. 40:31.15, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), intends to enact and amend certain Sections of Chapter 7 (Public Health Immunization Requirements) of Part II (The Control



of Diseases) of Title 51 (Public Health—Sanitary Code) of the Louisiana Administrative Code (LAC). This Rule is being proposed to implement certain amendments made to the Immunization Registry law (R.S. 40:31.11 et seq.) pursuant to Act 192 of the 2019 Regular Session. In particular, the newly adopted law authorizes LDH-OPH to maintain the immunization record of clients 21 years of age and older within the state's immunization registry, and generally requires that all vaccinations administered in the state of Louisiana be entered into the LINKS system. Act 192 of 2019 refers to the state's immunization registry as the Louisiana Immunization Network, also known as LINKS.

Act 192 of 2019 adopted a definition of an early learning center into the Immunization Registry law. In accordance with same, Section 101 (Definitions) of Chapter 1 (General Requirements) of Part XXI (Day Care Centers and Residential Facilities) of Title 51 of the LAC is proposed to be amended.

For the reasons set forth above, the following additions and amendments to LAC 51 are proposed to be adopted.

#### **Title 51**

### **PUBLIC HEALTH—SANITARY CODE**

#### **Part II. The Control of Diseases**

#### **Chapter 1. Disease Reporting Requirements**

##### **§101. Definitions**

###### **[formally paragraph 2:001]**

A. Unless otherwise specifically provided herein, the following words and terms used in this Part and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

\*\*\*

*Day Care Center*—this term as defined in Part XXI.101.A of this code.

\*\*\*

*Louisiana Immunization Network (“LINKS”)*—the official Louisiana immunization information registry system, authorized by R.S. 40:31.13 and maintained by the Louisiana Department of Health, Office of Public Health (LDH-OPH).

\*\*\*

**AUTHORITY NOTE:** The first source of authority for promulgation of the sanitary code is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the specific provisions of R.S. 40:4(A)(2) and R.S. 40:5(1)(2) and (10).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1212 (June 2002), amended LR 32:1050 (June 2006), LR 34:2173 (October 2008), repromulgated LR 34:2582 (December 2008), LR 36:1014 (May 2010), amended by the Department of Health, Office of Public Health, amended LR 45:667 (May 2019), LR 46:

#### **Chapter 7. Public Health Immunization Requirements**

##### **§701. Immunization Schedule**

###### **[formerly paragraph 2:001]**

A. - B. ...

C. [formerly paragraph 2:025-1] Any person 18 years or under, admitted to any elementary and secondary school, kindergarten, college, university, proprietary school, vocational school, licensed day care center or residential facility shall have verification that the person has had all appropriate immunizations for age of the person according to the Louisiana immunization schedule unless presenting a

written statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from parents. The operator of any elementary and secondary school, kindergarten, college, university, proprietary school, vocational school, licensed day care center or residential facility shall report to the state health officer through the health unit of the parish or municipality where such facility is located any case or suspected case of reportable disease. Health records, including immunization records, shall be made available during normal operating hours for inspection when requested by the state health officer. When an outbreak of a communicable disease occurs in an elementary and secondary school, kindergarten, college, university, proprietary school, vocational school, licensed day care center or residential facility, the operator of said facility shall comply with outbreak control procedures as directed by the state health officer.

D. [formerly paragraph 2:025-2] On or before October 1 of each year, the operator of each elementary and secondary school, kindergarten, college, university, proprietary school, vocational school, licensed day care center or residential facility enrolling or housing any person 18 years or under, inclusive but not limited to these listed facilities shall submit a preliminary immunization status report of all persons 18 years or under enrolled or housed as of that date. This compliance report shall be submitted utilizing the official Louisiana Immunization Network (“LINKS”) and shall include identifying information for each person 18 years or under, and for each dose of vaccine received since birth. Any person 18 years or under exempt from the immunization requirement shall also be identified, and the reason for exemption given on the report. After review of the report(s) by the state health officer or his or her designee, the elementary and secondary school, kindergarten, college, university, proprietary school, vocational school, licensed day care center or residential facility operator shall notify, on or before December 31 of each year, the parent or guardian of all enrolled or housed persons 18 years or under who are not compliant of the immunization requirements of §701.A and C of this Part.

**AUTHORITY NOTE:** Promulgated in accordance with the provisions of R.S. 40:4(A)(2), R.S. 40:5(A) and R.S. 40:31.15. Also see R.S. 17:170, R.S. 22:1030, and R.S. 44:17.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1221 (June 2002), amended LR 38:1252 (May 2012), amended by the Department of Health, Office of Public Health, LR 45:670 (May 2019), amended LR 46:

##### **§703. Mandatory Immunization Reporting**

A. All immunization providers in the state of Louisiana shall be licensed or credentialed by their respective boards (to administer vaccines) and shall register and enroll in the Louisiana Immunization Network (“LINKS”).

B. All licensed or credentialed immunization providers shall comply with the rules and regulations outlined in the LINKS site enrollment agreement.

C. All licensed and credentialed immunization providers in Louisiana shall report all immunizations administered, regardless of patient age, and update patient demographics at each patient encounter to LINKS within one week of vaccine administration to the patient.

D. Boards that license healthcare providers authorized to administer vaccines shall provide an updated listing of all

such authorized providers every calendar year to the OPH's immunization program. The updated listings shall be received by the OPH's immunization program no later than January 31 annually.

E. All providers licensed/credentialed to administered vaccines shall report all specified immunizations, antivirals, and other medications administered for all ages (within 7 days of administration) to the LINKS system in preparation for or in response to a declared public health disaster or emergency event.

F. When reporting to the LINKS system, several pieces of information will be needed including; site and individual user demographic information; and consent to privacy and confidentiality compliance.

G. All of the information reported under Subsection F of this Section may be found on the LDH-OPH Immunization Program webpage identified as "https://lalinks.org/linksweb/LINKS\_ENROLL.html". All licensed or credentialed immunization providers shall comply with the rules, regulations and policies outlined within the LINKS information system.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2), R.S. 40:5(A) and R.S. 40:31.15. Also see R.S. 17:170, R.S. 22:1030 and R.S. 44:17.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:

## **Part XXI. Day Care Centers and Residential Facilities**

### **Chapter 1. General Requirements**

#### **§101. Definitions**

**[formerly paragraph 21:001]**

A. Unless otherwise specifically provided herein, the following words and terms used in this Part and all other Parts which are adopted or may be adopted, are defined for the purpose thereof as follows.

\*\*\*

*Child*—a person who has not reached age 18 or otherwise been legally emancipated.

*Child Day Care Center*—any place or facility operated by any institution, political subdivision, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or legal custodian, on a regular basis for at least twelve and one-half hours in a continuous seven-day week. If a child day care center provides transportation or arranges for transportation to and from the center, either directly or by contract with third parties, all hours during which a child is being transported shall be included in calculating the hours of operation. A child day care center that remains open for more than twelve and one-half hours in a continuous seven-day week, and in which no individual child remains for more than twenty-four hours in one continuous stay shall be known as a full-time child day care center. A child day care center that remains open after 9 p.m. shall meet the regulations established for nighttime care.

*Day Care Center*—includes adult day care center, and early learning center.

*Early Learning Center*—any child day care center, early head start center, head start center, or stand-alone prekindergarten program not attached to a school.

\*\*\*

*Head Start and Early Head Start Programs*—the federally-funded early childhood care and education programs that promote and teach school readiness to children ages birth to five years of age from low-income families and provide services in the areas of education, social services for families, nutrition, family engagement, health and mental health, as well as providing the physical plant and instructional staff members for such purposes.

\*\*\*

*Preschool*—any child less than five years of age.

\*\*\*

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258(B), with more particular provisions found in Parts 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the specific provisions of R.S. 40:4(A)(10), R.S. 40:5, and R.S. 40:31.15.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1399 (June 2002), amended by the Department of Health, Office of Public Health, LR 46:

#### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a family impact statement on the rule proposed for adoption, amendment or repeal. All family impact statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions the law relating to public records.

1. Will the proposed rule affect the stability of the family? Yes. The stability of the family be enhanced because persons 18 years and older likely would avoid a disease because they have been immunized and, it seems, would eliminate the possible instability of his or her family caused by contracting such disease or illness.

2. Will the proposed rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed rule affect the functioning of the family? Yes. The functioning of the family will be enhanced since persons 18 years and older who have been properly immunized would be expected to avoid becoming sick or ill for that disease or illness to which they have been vaccinated.

4. Will the proposed rule affect family earnings and family budget? No.

5. Will the proposed rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained the proposed rule? No.

#### **Poverty Impact Statement**

1. The Effect on Household Income, Assets, and Financial Security. Household income, assets, and financial security might be enhanced since the family would not have to come up with funds to care for a person 18 years or older who otherwise would have come down with some disease or illness had they been vaccinated.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. There will be no effect on childhood development and preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. Persons 18 years or older who remain healthy because of immunization would enhance his or her chances to become employed and this, in turn, would enhance the workforce as a whole.

4. The Effect on Taxes and Tax Credits. Immunization should help to maintain taxes at a lower level since less numbers of persons 18 years or older would be expected to contract vaccine-preventable diseases.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. There will be no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. The proposed Rule requires that all physicians, nurses, and other healthcare providers, including pharmacies, that administer immunizations in this state record immunization information on both children and adults using the software which operates the statewide immunization registry system known as LINKS. The Office of Public Health's Immunization Program does not expect that adoption of the proposed amendments will have a significant economic impact on small business entities.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. Per HCR 170, "provider" means an organization that provides services for individuals with developmental disabilities. In particular, there should be no known or foreseeable effect on the:

1. staffing level requirements or qualifications required to provide the same level of service;
2. total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments on the proposed rule. Such comments must be received no later than Monday, February 24, 2020 at COB, 4:30 p.m., and should be addressed to Frank Welch, MD, Medical Director, Immunization Program, Office of Public Health, 1450 Poydras Street, Suite 1938, New Orleans, LA 70112.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Monday, February 10, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:00 a.m. on Tuesday, February 25, 2020, in

Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after February 10, 2020. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Jimmy Guidry, MD  
State Health Officer  
and  
Rebekah E. Gee, MD, MPH  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Louisiana Immunization Network/LINKS**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change is anticipated to increase expenditures for OPH by approximately \$1,065 in FY 20 for publication cost.

The proposed rule updates requirements for reporting immunization information using the Louisiana Immunization Network (LINKS) system. Specifically, in accordance with HCR 51 of 2017, the rule provides that all providers that administer immunizations must record immunization information into LINKS, regardless of the person's age. Additionally, in accordance with Act 192 of 2019, the rule provides that OPH must maintain all immunization records in LINKS, including the records of persons 21 years of age or older.

Currently, state and locally owned or operated facilities enter immunization records into LINKS for certain vaccinations and only for persons under the age of 21. As a result of this rule, providers will be required to enter into LINKS all vaccinations administered, regardless of vaccination type or patient age. State and locally owned or operated facilities may experience an increase in workload associated with documenting all vaccines.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of the proposed rule is not anticipated to have an effect on revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Privately-owned or operated facilities that administer vaccinations will experience an increased workload associated with documenting vaccines into LINKS. Additionally, if they have not done so already, each privately-owned or operated facility providing vaccinations will need to apply for access to LINKS and receive training on how to use the system. OPH provides LINKS access and training to facilities at no charge.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to have an effect on competition or employment.

Alexander Billioux, M.D., D.Phil  
Assistant Secretary  
2001#024

John D. Carpenter  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Insurance Office of the Commissioner

#### Regulation 30—Certificates of Insurance Coverage (LAC 37:XIII.8101 and 8102)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 30. This amendment has been proposed in order to provide clarification regarding certificates of insurance coverage.

#### Title 37 INSURANCE

#### Part XIII. Regulations

#### Chapter 81. Regulation 30—Certificates of Insurance Coverage

##### §8101. Certificates of Insurance

A. It has come to the attention of this department that certificates of insurance for automobile and general liability insurance are being issued by companies or their agents. Certificates of insurance are documents, including electronic records, that many large corporations require persons or contractors employed by them to furnish to prove that they have insurance.

B. Some of these certificates purport to alter, amend, or extend the coverage provided by the referenced insurance policy in violation of R.S. 22:890.

C. Therefore, in order to avoid any misunderstanding of the effect of any certificate of insurance prepared and issued by an insurance company or its agent, any such certificate must contain the following or similar language:

This certificate of insurance neither affirmatively nor negatively alters, amends, or extends the coverage afforded by Policy Number \_\_\_\_\_ issued by \_\_\_\_\_.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and R.S. 22:890.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, April 23, 1969, amended LR 46:

##### §8102. Effective Date

A. Regulation 30, as amended, shall become effective upon final promulgation in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and R.S. 22:890.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, April 23, 1969, amended LR 46:

#### Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to perform the Function as Contained in the Rule. The proposed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

#### Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

#### Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of Small Businesses Subject to the Proposed Rule. The proposed regulation should have no measurable impact on small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The

proposed regulation should have no measurable impact on small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed regulation should have no measurable impact on small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

#### **Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

#### **Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Such comments must be received no later than February 19, 2020 by close of business or by 4:30 p.m. and should be addressed to Monica Gibson, Louisiana Department of Insurance, and may be mailed to P.O. Box 94214, Baton Rouge, LA 70804-9214 or faxed to (225) 342-1632. If comments are to be shipped or hand-delivered, please deliver to Poydras Building, 1702 North 3<sup>rd</sup> Street, Baton Rouge, LA 70802.

James J. Donelon  
Commissioner of Insurance

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Regulation 30—Certificates of Insurance**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will not result in additional costs or savings for state or local governmental units. The proposed rule change aligns the administrative rules with LA R.S. 22:890 regarding certificates of insurance coverage, and that it is a violation of R.S. 22:890 if certificates of insurance or documents purporting to be certificates of insurance coverage claim to alter, amend or extend the coverage provided by a referenced insurance policy.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The rule change will not affect revenue collections for state or local governmental units.

##### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will not affect costs or economic benefits to directly affected persons or non-government groups. The rule change clarifies that a certification of insurance or documents purporting to be certificates of insurance coverage may not alter, amend or extend the coverage provided by the referenced insurance policy.

##### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will not affect competition or employment.

Lance Herrin  
Assistant Commissioner  
2001#007

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Natural Resources Office of Conservation**

Statewide Order No. 29-B—Disposal of  
E and P Waste by Slurry Fracture Injection  
(LAC 43:XIX.433)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIX, Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed amendment updates the language in existing Slurry Fracture Injection regulations to prevent any potential wording conflict in LAC 43:XIX.433.J.6 (433.J.6) with ACT 191 of 2018 for “hours of operation” by removing reference to “injection occurring only during daylight hours” in 433.J.6.

#### **Title 43**

#### **NATURAL RESOURCES**

#### **Part XIX. Office of Conservation—General Operations**

##### **Subpart 1. Statewide Order No. 29-B**

##### **Chapter 4. Pollution Control (Class II)**

##### **Injection/Disposal Well Regulations**

##### **§433. Disposal of E and P Waste by Slurry Fracture Injection**

A. - J.5. ...

6. Injection is to be conducted on a cyclic basis.

J.7. - L.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 27:1921 (November 2001), amended LR 46:

#### **Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

#### **Small Business Analysis**

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

#### **Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

#### **Public Comments**

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery or USPS only, until 4:30 p.m., February 10, 2020 at Office of Conservation, Executive Division, P.O. Box 94275, Baton Rouge, LA

70804-9275; or Office of Conservation, Executive Division, 617 North Third Street, Room 847-D, Baton Rouge, LA 70802. Reference Docket No. R A 2020-01. All inquiries should be directed to Timothy Schroeder at the above addresses or by phone to (225) 342-8244. No preamble was prepared.

Richard P. Ieyoub  
Commissioner

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Statewide Order No. 29-B—Disposal of E and P Waste by Slurry Fracture Injection**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There is no impact on expenditures of the Department of Natural Resources as a result of the rule change removing the existing reference to operating hours. The proposed amendment updates the language in existing Slurry Fracture Injection (“SFI”) regulations to prevent any potential wording conflict with ACT 191 of 2018 for “hours of operation” by removing reference to “injection occurring only during daylight hours.”

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no effect on revenue collections of state or local government units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated cost increases associated with the proposed amendment and all required documentation will be provided on existing paperwork. The primary group impacted by these rule changes will be SFI disposal well operators.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will have no effect on SFI operator completion and employment.

Gary Ross  
Assistant Commissioner  
2001#031

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## **NOTICE OF INTENT**

### **Department of Natural Resources Office of Conservation**

#### **Statewide Order No. 29-B—Monitoring Requirements for Commercial Class II Injection Wells (LAC 43:XIX.539, 545, and 549)**

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIX, Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed amendment codifies Office of Conservation intra-office regulatory guidance previously approved, implemented and enforced by the agency beginning in 2003 clarifying precisely when certain commercial facility and transfer station operations reports are to be received by the agency to maintain compliance with existing reporting requirements in LAC 43:XIX.539, 545 and 549.

## **Title 43**

### **NATURAL RESOURCES**

#### **Part XIX. Office of Conservation—General Operations Subpart 1. Statewide Order No. 29-B**

##### **Chapter 5. Off-Site Storage, Treatment and/or Disposal of Exploration and Production Waste Generated from Drilling and Production of Oil and Gas Wells**

##### **§539. Monitoring Requirements for Commercial Class II Injection Wells**

A. - E. ...

F. The daily log information shall be recorded on the appropriate form (UIC - 21, or latest revision) and submitted to the Office of Conservation. The original hard copy or original electronic copy Form UIC - 21 monthly reports(s) for all permitted commercial Class II injection wells must be received by the Office of Conservation on or before the 15<sup>th</sup> day of the following month. If delivered on the 15th day, the subject report(s) must be received by the Office of Conservation before the close of business, i.e., no later than 4:30 p.m. In the event that the 15th day of any given month falls on a Saturday, Sunday, or state holiday, the reporting deadline shall be the following regularly scheduled business day, before the close of business.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 27:1910 (November 2001), amended LR 46:

##### **§545. Manifest System**

A. - J. ...

K. A monthly report of E and P Waste receipts shall be completed by each commercial facility, transfer station or DEQ permitted facility as defined by LAC 33:V and VII (that receives E and P Waste) on Form UIC-19, or latest revision. The original hard copy or original electronic copy Form UIC-19 monthly report(s) must be received by the Office of Conservation on or before 15 days of the end of each month. If delivered on the 15th day, the subject report(s) must be received by the Office of Conservation before the close of business, i.e., no later than 4:30 p.m. In the event that the 15th day of any given month falls on a Saturday, Sunday, or state holiday, the reporting deadline shall be the following regularly scheduled business day, before the close of business.

L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 27:1911 (November 2001), amended LR 36:1017 (May 2010), LR 46:

##### **§549. Land Treatment Facility Requirements**

A. - D.2.f. ...

g. The original hard copy or original electronic copy quarterly monitoring report(s) must be received by the Office of Conservation on or before the dates listed for each quarter as followed: 1st Quarter – due April 30; 2nd Quarter – due July 31; 3rd Quarter – due October 31; 4th Quarter – due January 31. If delivered on an April 30, July 31, October 31 or January 31, the subject report(s) must be received by the Office of Conservation before the close of business, i.e., no later than 4:30 p.m. In the event that April 30, July 31, October 31, or January 31 falls on a Saturday, Sunday, or state

holiday, the reporting deadline shall be the following regularly scheduled business day, before the close of business. Each quarterly report must contain the following information:

D.2.g.i. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation LR 27:1912 (November 2001), amended LR 34:1421 (July 2008), LR 46:

#### **Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

#### **Small Business Analysis**

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

#### **Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

#### **Public Comments**

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery or USPS only, until 4:30 p.m., February 10, 2020 at Office of Conservation, Executive Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Executive Division, 617 North Third Street, Room 847-D, Baton Rouge, LA 70802. Reference Docket No. R A 2020-02. All inquiries should be directed to Timothy Schroeder at the above addresses or by phone to (225) 342-8244. No preamble was prepared.

Richard P. Ieyoub  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Statewide Order No. 29-B—Monitoring Requirements for Commercial Class II Injection Wells**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There is no impact on expenditures of the Department of Natural Resources as a result of the rule codifying when certain Commercial Exploration and Production (“E&P”) Waste Facility and Transfer Stations reports are to be received by the agency. The proposed amendment codifies Office of Conservation intra-office regulatory guidance previously approved, implemented and enforced by the office beginning in 2003 clarifying precisely when certain commercial facility and transfer station reports are to be received by the agency to maintain compliance with existing reporting requirements.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no effect on revenue collections of state or local government units.

##### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated cost increases associated with the proposed amendment and all required documentation will be provided on existing paperwork. The primary group impacted by

these rule changes will be Commercial E&P Waste Disposal Facilities and Transfer Stations.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will have no effect on commercial facility and transfer station competition and employment.

Gary Ross  
Assistant Commissioner  
2001#032

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Public Safety and Corrections Office of State Police**

##### **Explosives (LAC 55:I.1503 and 1543)**

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., Act 315 of the 2018 Regular Session, and R.S. 40:1472.1 et seq., gives notice of its intent to promulgate amended rules related to the following: explosive license annual training requirements, which defines the term *annual refresher training* to clarify the time within which annual training must be completed, and explosive license drug testing requirements, which extends the time period for submitting an application to the department after the applicant’s drug screen.

#### **Title 55**

#### **PUBLIC SAFETY**

#### **Part I. State Police**

#### **Chapter 15. Explosives Code**

#### **Subchapter A. General**

#### **§1503. Definitions**

\* \* \*

*Annual Refresher Training*—a period of 13 calendar months.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1472.1 et seq.

HISTORICAL NOTE: Filed by the Department of Public Safety, Office of State Police, at the Office of the State Register, 1974, promulgated and amended LR 10:803 (October 1984), amended by the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, Explosive Control Unit, LR 22:1230 (December 1996), amended by the Department of Public Safety and Corrections, Office of State Police, LR 26:90 (January 2000), amended 34:2674 (December 2008), LR 36:550 (March 2010), LR 46:

#### **§1543. Drug Testing Requirements**

A. - C. ...

D. All holders of Louisiana Explosives Licenses shall be drug-screened within 120 hours of employment or initial application for, or renewal of, an explosives license. The drug testing required by this Paragraph shall meet the same testing standards as tests required by Subsection A of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1472.1 et seq.

HISTORICAL NOTE: Filed by the Department of Public Safety, Office of State Police, at the Office of the State Register, 1974, promulgated and amended LR 10:803 (October 1984), amended by the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, Explosive Control Unit, LR 22:1230 (December 1996), amended by

the Department of Public Safety and Corrections, Office of State Police, LR 26:91 (January 2000), LR 36:550 (March 2010), LR 46:

#### **Family Impact Statement**

1. The effect of this Rule on the stability of the family. This Rule should not have any effect on the stability of the family.

2. The effect of this Rule on the authority and rights of parents regarding the education and supervision of their children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of this Rule on the functioning of the family. This Rule should not have any effect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The effect of this Rule on the ability of the family or local government to perform the function as contained in the proposed rules. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

#### **Poverty Impact Statement**

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the R.S. 49:973.

2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

#### **Small Business Analysis**

1. The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

2. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments to Paul Schexnayder, PO Box 66614, Baton Rouge, LA 70896.

Written comments will be accepted through February 15, 2020.

Lt. Colonel Jason Starnes  
Chief Administrative Officer

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Explosives**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will not result in any costs or savings to state or local governmental units. The proposed rule change related to Explosive License Annual Training Requirements defines the term "Annual Refresher Training" to clarify the time frame of 13 months within which annual training must be completed. The proposed rule change related to Explosive License Drug Testing Requirements extends the time for submitting an explosives license application to the Department of Public Safety (DPS) after the applicant's drug screen from 72 hours to 120 hours.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change may decrease revenue collections for DPS by an indeterminate amount to the extent companies do not submit applications for applicants that fail drug screens. DPS collects a fee for every new license.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

With the current 72-hour requirement, explosives companies do not have time to wait for drug screening results before submitting applications to DPS. The proposed rule change may result in decreased costs to companies that receive results of failed drug screens prior to submitting completed applications and paying the requisite fee to DPS.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will not impact competition or employment.

Lt Col. Jason Starnes  
Chief Administrative Officer  
2001#069

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

2020-2022 General and Wildlife Management Hunting  
Seasons and Regulations (LAC 76:XIX.Chapter 1)

Notice is hereby given that the Wildlife and Fisheries Commission proposes to amend the general and wildlife management area rules and regulations for the 2020-2021 season, the resident game hunting season for the 2020-2022 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2021 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2020-2022 hunting season.



**Title 76**  
**WILDLIFE AND FISHERIES**  
**Part XIX. Hunting and WMA Regulations**

**Chapter 1. Resident Game Hunting Season**

**§101. General**

A. The resident game hunting season regulations have been adopted by the Wildlife and Fisheries Commission. A complete copy of the regulations pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1534 (August 2014), LR 41:958 (May 2015), LR 42:1107 (July 2016), LR 44:1273 (July 2018), LR 45:933 (July 2019), LR 46:

**§103. Resident Game Birds and Animals**

A. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for Seasons or Specific Regulations on Wildlife Management Areas or Specific Localities

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: 3rd Saturday of November CLOSES: Last Day of February	10	30
Rabbit and Squirrel	OPENS: 1st Saturday of October CLOSES: Last Day of February	8	24
Squirrel*	OPENS: 1st Saturday of May for 23 days	3	9
Deer 2020-2021	See Schedule	1 antlered and 1 antlerless (when legal)	Deer Areas 1,2,3,5,6,7,8, and 9 6/season (not to exceed 3 antlered deer or 4 antlerless deer). Deer Areas 4 and 10 limit 3/season (not to exceed 2 antlered or 2 antlerless deer).

\*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some state wildlife management areas will be open, check WMA season schedule.

C. Deer Hunting Schedule 2020-2021

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: 2 <sup>nd</sup> Sat. of Nov. CLOSES: Fri. before 3 <sup>rd</sup> Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. CLOSES: Sun. of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas (EITHER SEX).
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2 <sup>nd</sup> Sat. of Nov. CLOSES: Fri. before 3 <sup>rd</sup> Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. CLOSES: Sunday of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: after 7 days	OPENS: 3rd Sat. of Oct. CLOSES: 38 days after Thanksgiving Day	

D. Deer Hunting Schedule 2021-2022

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: 2 <sup>nd</sup> Sat. of Nov. CLOSES: Fri. before 3 <sup>rd</sup> Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. CLOSES: Sun. of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 3 <sup>rd</sup> Sat. of Sept. CLOSES: Jan. 15.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2 <sup>nd</sup> Sat. of Nov. CLOSES: Fri. before 3 <sup>rd</sup> Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. CLOSES: Last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. CLOSES: Sunday of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: After 7 days		

E. Farm-raised white-tailed deer on supplemented shooting preserves:

1. archery, firearm, primitive firearms—October 1-January 31 (either-sex).

F. Exotics on supplemented shooting preserves:

1. either sex—no closed season.

G. Spring squirrel hunting:

1. season dates—opens 1st Saturday of May for 23 days;

2. closed areas:

a. Kisatchie National Forest, national wildlife refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below;

3. wildlife management area schedule—opens first Saturday of May for nine days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Pass-a-Loutre and Salvador. Dogs are allowed during this season for squirrel hunting;

4. limits—daily bag limit is three and possession limit is nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:1108 (July 2016), LR 43:1420 (July 2017), LR 44:1273 (July 2018), LR 45:934 (July 2019), LR 46:

## **§111. General and Wildlife Management Area Hunting Rules and Regulations**

### **A. Hunting Seasons and Wildlife Management Area (WMA) Regulations**

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by sections 115 and 116 of title 56 of the *Louisiana Revised Statutes* of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries (LDWF) has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to section 40.1 of title 56 of the *Louisiana Revised Statutes* of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the LDWF a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

### **B. Resident Game Birds and Animals**

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

### **C. Other Season Dates**

1. Turkey. Please refer to turkey regulations.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire firearm, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is two per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. Except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutre WMAs from September 1 to March 31. When taken with a shotgun, non-toxic shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Recreational nutria hunters must remove each nutria

carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the Lafayette Field Office, (337) 735-8672.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve, October 1-April 30, Pen-Raised Birds Only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Refer to LAC 76:V.111 for specific DMAP rules. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with approved archery equipment or primitive firearms). Failure to do so is a violation of R.S. 56:115. Deer harvested on property enrolled in DMAP do not count in the season or daily bag limit for hunters when legally tagged with DMAP tags. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

#### **a. Definitions**

*Exotics*—for purposes of this Section means any animal of the family *Bovidae* (except the *Tribe Bovini* [cattle]) or *Cervidae* which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. *Exotics* shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

*Hunting*—in its different tenses and for purposes of this Section means to take or attempt to take, in accordance with R.S. 56:8.

*Same as Outside*—for purposes of this Section means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in title 56 of the *Louisiana Revised Statutes* and as established annually by the Wildlife and Fisheries Commission.

*Supplemented Hunting Preserve*—for purposes of this Section means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

*White-Tailed Deer*—for purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons:

i. farm-raised white-tailed deer: consult the regulations pamphlet;

ii. exotics: year round.

c. Methods of take:

i. white-tailed deer: same as outside;

ii. exotics: exotics may be taken with traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only and other approved primitive firearms.

d. Shooting hours:

i. white-tailed deer: same as outside;

ii. exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag limit:

i. farm-raised white-tailed deer: same as outside;

ii. exotics: no limit.

f. Hunting licenses:

i. white-tailed deer: same as outside;

ii. exotics: no person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-tailed deer and exotics: each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. No person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, Kisatchie National Forest, and the Bayou des Ourses, Bodcau, Bonnet Carre, and Indian Bayou tracts owned by the Corps of Engineers, but does not apply to state wildlife refuges, or other federally owned refuges and lands. On state WMAs and Kisatchie National Forest, the take

of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting—General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969, shall hunt unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course approved by the department, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person under 16 years of age may hunt without such certificate if he/she is accompanied by and is under the direct supervision of a person who was born before September 1, 1969, and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or

otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)].

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the LDWF, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found depredate commercial crops of pecans may be taken year-round by permit issued by the LDWF. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

7. Threatened and endangered species. Taking or harassment of any of these species is a violation of state and federal laws. (LAC 76:1.317)

8. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during the nighttime hours from one-half hour after official sunset on the last day of February to one-half hour after official sunset the last day of August of that same year or as provided for by LAC 76:V.126. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds under the provisions of the paragraph, within 24 hours prior to the attempted taking, shall notify the sheriff of the parish in which the property is located and the LDWF Enforcement Division by calling (800) 442-2511 of their intention to attempt to take outlaw quadrupeds under the provision of this Paragraph.

10. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and public road rights-of-way is prohibited.

11. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with approved archery and primitive firearms, and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

12. Sex Identification. Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

1. Invertebrates		
Pink Mucket	<i>Lampsilis abrupta</i>	E
Louisiana Pearlshell	<i>Margaritifera hembeli</i>	T
Fat Pocketbook	<i>Potamilus capax</i>	E
Inflated Heelsplitter	<i>Potamilus inflatus</i>	T
Rabbitsfoot	<i>Quadrula cylindrica</i>	T
2. Fish		
Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>	T
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	E
Smalltooth Sawfish	<i>Pristis pectinata</i>	E
3. Amphibians		
Dusky Gopher Frog	<i>Lithobates sevosus</i>	E
4. Reptiles (including eggs)		
Loggerhead Sea Turtle	<i>Caretta caretta</i>	T
Green Sea Turtle	<i>Chelonia mydas</i>	T
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	E
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	E
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	E
Ringed Map Turtle	<i>Graptemys oculifera</i>	T
Gopher Tortoise	<i>Gopherus polyphemus</i>	T
Black Pinesnake	<i>Pituophis melanoleucus lodingi</i>	T
Louisiana Pinesnake	<i>Pituophis ruthveni</i>	T
5. Birds (including eggs)		
Whooping Crane	<i>Grus americana</i>	E
Piping Plover	<i>Charadrius melodus</i>	T
Red Knot	<i>Calidris canutus rufa</i>	T
Interior Least Tern	<i>Sterna antillarum athalassos</i>	E
Red-cockaded Woodpecker	<i>Picoides borealis</i>	E
6. Mammals		
West Indian Manatee	<i>Trichechus manatus</i>	T
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	T
Sperm Whale	<i>Physeter macrocephalus</i>	E
Florida Panther	<i>Felis concolor coryi</i>	E
7. Plants		
American Chaffseed	<i>Schwalbea americana</i>	E
Earth-fruit	<i>Geocarpon minimum</i>	T
Louisiana Quillwort	<i>Isoetes louisianensis</i>	E
Pondberry	<i>Lindera melissifolia</i>	E
E = Endangered; T = Threatened		

#### E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within 72 hours of the kill, the hunter must validate the kill. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets. Hunters on WMAS can validate deer during mandatory deer check hunts, when deer check stations are in operation. Hunters may validate deer by calling the validation toll free number or using the validation website.

2. 2020-2021 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

3. 2021-2022 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin. Killing antlerless deer is prohibited except where specifically allowed.

5. *Either-sex deer* is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. It is unlawful to use or possess scents or lures that contain natural deer urine or other bodily fluids while taking, attempting to take, attracting or scouting wildlife, except natural deer urine products produced by manufacturers or entities that are actively enrolled and participating in the Archery Trade Association Deer Protection Program, which has been tested using real-time quaking induced conversion (RT-QuIC) and certified that no detectable levels of Chronic Wasting Disease (CWD) are present and is clearly labeled as such.

12. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for specific details. Primitive firearms license is required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except as otherwise specified.

a. Legal Firearms for Primitive Firearms Season

i. Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball, shot, or bullet projectile only, including sabot bullets, and may be fitted with magnified scopes.

ii. Single shot, breech loading rifles or single shot, breech loading pistols, .35 caliber or larger, having an exposed hammer, that use metallic cartridges loaded either with black powder or modern smokeless powder, and may be fitted with magnified scopes.

iii. Single shot, breech loading shotguns, 10 gauge or smaller, having an exposed hammer, loaded with buckshot or slug.

iv. Youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

13. Archery Season. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in areas 6 and 9 from October 1-15. Archers must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and Arrow Regulations. Traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. Bow and arrow fishermen must have a sport fishing license and may not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;



(b). to hunt deer with a bow having a pull less than 30 pounds;

(c). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.B.(4)].

14. Hunter Orange or Blaze Pink. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" or "blaze pink". Persons hunting on privately owned land may wear a "hunter orange" or "blaze pink" cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned or to archery deer hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a "hunter orange" or "blaze pink" cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange" or "blaze pink".

15. Physically Challenged Season on Private Lands (Either-Sex): first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

16. Youth and Honorably Discharged Veterans Season on Private Lands (Either-Sex). Areas 1, 4, 5, 6 and 9: last Saturday of October for seven days; area 2: second Saturday of October for seven days; and areas 3, 7, 8 and 10: fourth Saturday of September for seven days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. One of the following must be carried by veterans while hunting:

a. Louisiana OMV issued U.S. Veterans Driver's License; or

b. U.S. Department of Defense Form 214 or one of the following DD\_214 equivalents:

i. pre DD 214 era documents (1941\_1950):

(a). WE AGO (war department adjutant general) forms, to include WD AGO 53, WD AGO 55, WD AGO 53\_55;

(b). JAVPERS (naval personnel) discharge documents, to include NAVPERS 553, NAVMC78PD, NAVCG 553;

ii. National Personnel Records Center NPRC "statement of service," issued as a result of a destroyed discharge record during the 1973 National Archives fire;

iii. National Guard/Air National Guard must have NGB\_22 with 6 or more years of service.

#### F. Description of Areas, 2020-2022

##### 1. Area 1

a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carroll.

b. Portions of the following parishes are also open:

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line;

ii. Grant—east of US 165 and south of LA 8;

iii. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line;

iv. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake;

v. Rapides—east of US 165 and north of Red River.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek;

ii. East Carroll—all;

iii. Franklin—all;

iv. Morehouse—east of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake;

v. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake;

vi. Richland—all;

vii. West Carroll.

##### 2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as area 2, except still hunting only for deer.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line;

ii. Avoyelles—that portion west of I-49;

iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to LA 8, north and west of LA 8 southwesterly to parish line;

iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte;

v. Grant—all except that portion south of LA 8 and east of US 165;

vi. Jefferson Davis—north of US 190;

vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to parish line;

viii. Morehouse—west of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake;

ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake;

x. Rapides—all except north of Red River and east of US 165, south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill, and north of LA 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and US 167 to junction of US 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line;

xi. Vernon—north of LA 10 from the parish line westward to LA 113, south of LA 113 eastward to parish line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations);

ii. Ouachita—east of Ouachita River;

iii. Rapides—west of US 167 from Alexandria southward to I-49 at Turkey Creek exit, west of I-49 southward to parish line, north of parish line westward to US 165, east of US 165 northward to US 167 at Alexandria. North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line;

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

3. Area 3

a. Portions of the following parishes are open:

i. Acadia—north of I-10;

ii. Allen—west of US 165 and south of LA 10;

iii. Beauregard—east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—east of LA 113 to Pitkin, south of LA 10 to Allen Parish line, west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

b. Still hunting only for portions of the following parishes:

i. Acadia—north of I-10;

ii. Allen—south of US 190 and west of LA 113;

iii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. Area 4

a. All of St. Helena and Washington Parishes are open.

b. Portions of the following parishes are also open:

i. East Baton Rouge—all except that portion west of I-110 and west of US 61;

ii. East Feliciana—east of US 61;

iii. Livingston—north of I-12;

iv. Tangipahoa—north of I-12;

v. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

c. Still hunting only in all or portions of the following parishes:

i. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to Parish Line, south of Parish Line from LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67;

ii. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier;

iii. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10;

iv. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25.

5. Area 5

a. Portions of the following parishes are open:

i. St. Martin—south of I-10 and east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

ii. Iberville—south of I-10 and west of the East Atchafalaya Basin Protection Levee;

iii. Iberia—east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

iv. St. Mary—east of the West Atchafalaya Basin Protection Levee;

v. high water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and north of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 18 feet msl at Butte LaRose, and will reopen when the river stage recedes to

17 feet msl at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose, and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

6. Area 6

a. All of West Feliciana and Pointe Coupee Parish is open.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49;

ii. East Baton Rouge—that portion west of I-110 and west of US 61;

iii. East Feliciana—west of US 61;

iv. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte;

v. Iberville—all north of I-10, and that portion south of I-10 at the Atchafalaya Basin protection levee south to Upper Grand River, then north of Upper Grand River to the Intracoastal Canal at Jack Miller, then west of the Intracoastal Canal northward to Bayou Plaquemine, then north of Bayou Plaquemine to the Mississippi River;

vi. Lafayette—north of I-10 and east of I-49;

vii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

viii. St. Landry—east of US 167;

ix. St. Martin—north of I-10;

x. West Baton Rouge—north I-10.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport;

ii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

iii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—south of LA 14 and west of US 90;

ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River.

8. Area 8

a. Portions of the following parishes are open:

i. Beauregard—that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

ii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line.

9. Area 9

a. All of the following parishes are open: Ascension, Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, Terrebonne.

b. Portions of the following parishes are open:

i. Iberia—east of US 90 and west of the West Atchafalaya Basin Protection Levee and east of the East Atchafalaya Basin Protection Levee;

ii. Iberville—east of the East Atchafalaya Basin Protection Levee and south of Upper Grand River to the Intracoastal Canal to Bayou Plaquemines, then south of Bayou Plaquemines to the Mississippi River;

iii. Lafayette—south of I-10 and east of US 90;

iv. Livingston—south of I-12;

v. St. Martin—west of the Atchafalaya Basin Protection Levee and south of I-10. East of the East Atchafalaya Basin Protection Levee and south of I-10;

vi. St. Mary—east of US 90 from Iberia Parish line to the Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River except for portion within the East and West Atchafalaya Basin Protection Levees;

vii. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;

viii. Tangipahoa—south of I-12.

c. Still hunting only in all or portions of the following parishes:

i. Iberville—east of the Mississippi River;

ii. Plaquemines—east of the Mississippi River;

iii. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;

iv. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

10. Area 10

a. All of Cameron and Vermillion Parishes are open.

b. Portions of the following parishes are open:

i. Acadia—south of I-10;

ii. Calcasieu—south of I-10;

iii. Iberia—west of US 90 and north of LA 14;

iv. Jefferson Davis—south of I-10;

v. Lafayette—south of I-10 and west of Hwy 90.

G. WMA Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in *Louisiana Revised Statutes* of 1950, section 109 of title 56. Failure to comply with these regulations will subject

individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. WMA seasons may be altered or closed anytime by the LDWF secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Private lands, regardless of number of parcels or size, completely within WMA boundaries (including those that are bordered by a public road or waterway) will have the same deer season dates and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; EXCEPT private lands enclosed within a WMA and enrolled in DMAP may elect to hunt according to regular deer season dates and baiting regulations applicable to the Deer Area in which the lands are located. Interested parties should contact the nearest LDWF region office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited to acorns and pecans), wild plants, non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited without a permit from the LDWF. Gathering and/or removal of American lotus (*grande volée*, *Nelumbo lutea*) seeds and pods, soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh is prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal antlered deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

o. Operation of drones or unmanned aerial vehicles (UAV) on WMAs is prohibited.

p. Operating, modifying, tampering with or altering any water control structures on WMAs is prohibited.

q. Limited Access Areas (LAA): Operation of internal combustion powered vessels prohibited September through January. Vehicles prohibited November through

January. Limited access areas are on Atchafalaya Delta, Boeuf, Dewey W. Wills, Joyce, Manchac, Pass-a-Loutre, Pointe-aux-Chenes and Russell Sage WMAs. See WMA maps for specific locations.

r. Shooting ranges: Non-toxic shot required for all shotguns, effective January 1, 2021.

## 2. Permits

a. A WMA hunting permit is required for persons ages 18 through 59 to hunt on WMAs.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on WMAs. The self-clearing permit will consist of two portions: check in, check out. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA self-clearing permit from an information station. Users may check in one day in advance of use. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. If utilizing paper Self-Clearing Permit from an information station, check in portion must be completed and put in a permit box before each day's activity. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. When mandatory check in for deer seasons is specified on WMAs, hunters must check in at designated locations, and obtain a daily hunt permit. Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.

c. Persons using WMAs or other LDWF administered lands for any purpose must possess one of the following: a valid wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Additionally, a self-clearing WMA permit, detailed above, is required (available at most entrances to each WMA and electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal).

## 3. Special Seasons

a. Youth Deer Hunt. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon, hogs and opossum may be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. Contact region offices for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

h. Trapping. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, two per person per day, during daylight hours only, during the open hunting season in progress on WMAs.

*Nighttime Experimental*—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the remainder of the WMA is restricted to still hunt only.

Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou, Bayou Macon, Bayou Pierre, Boeuf, Dewey W. Wills, Marsh Bayou, Pomme de Terre, Richard K. Yancey, Russell Sage, Sandy Hollow, Sherburne, Tunica Hills and Walnut Hill WMAs.

#### 4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, UTVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal firearms regulations may possess firearms on WMAs provided these firearms are not used for any hunting purpose.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs (consult regulations pamphlet for specific WMA regulations):

- i. centerfire rifles;
- ii. centerfire break-action and centerfire bolt-action handguns;
- iii. centerfire scoped handguns;
- iv. shotgun slugs or shot larger than BB lead or F steel.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or across, or hunting from designated roads, ATV/UTV trails, nature trails, hiking trails, and their rights-of-way is prohibited during the modern firearms and primitive firearms deer seasons.

#### 5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drives and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs the daily limit shall be one antlered deer and one antlerless deer (when legal) per day, not to exceed the Deer Area limit for the Deer Area that a WMA is contained within (all segments included) by all methods of take.

c. Baiting, hunting over bait, or possession of bait is prohibited on all WMAs, EXCEPT bait may be kept in a vehicle traversing a WMA road or parked on a WMA road. Bait is defined as any substance used to attract game via ingestion.

d. During mandatory deer check hunts, deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation (including any material used as corner posts) is defined as natural branches that are 2 inches or less in diameter. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Deer stands may not be left on WMAs unless the stands are removed from trees, placed flat on the ground, and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and LDWF ID number. No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc., found unattended in a hunting position, not placed flat on the ground, or untagged will be confiscated and disposed of by the LDWF. LDWF is not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas: special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for physically challenged hunter permit (PCHP) wheelchair confined hunters on WMAs. Hunters must obtain a PCHP permit and

are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Bayou Pierre, Big Colewa Bayou, Buckhorn, Clear Creek, Floy McElroy, Fort Polk-Vernon, Maurepas Swamp, Russell Sage, Sandy Hollow, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lafayette, Lake Charles, Minden, Monroe or Hammond for information.

h. Hunting from utility poles and structures, and oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified. Horse-drawn conveyances are prohibited.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" or "blaze pink" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" or "blaze pink" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange" or "blaze pink". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" or "blaze pink" above or around their blinds which is visible from 360 degrees.

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or physically challenged hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Primitive Firearms Season for Deer. Either-sex unless otherwise specified. See WMA deer schedule. Except youths 17 or younger may use any legal weapon during the primitive firearm season.

#### 6. Camping

a. Camping on WMAs, including trailers, houseboats, vessels, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities. Camping is available on a first-come, first-serve basis unless otherwise specified.

b. Houseboats and vessels utilized for recreational activities are prohibited from overnight mooring within WMAs except on stream banks adjacent to designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. Houseboats and vessels shall not impede navigation. On Atchafalaya Delta WMA houseboats may be moored by permit only in designated areas during hunting season. Permits are available by lottery annually or by five year lease through a bid program.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area unless otherwise specified.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Trash must be contained at all times while camping.

h. Burning of trash is prohibited.

i. Glass containers prohibited on campgrounds.

j. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

k. Swimming is prohibited within 100 yards of boat launching ramps.

#### 7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas, refuges, or limited use areas unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. *Utility Type Vehicle (UTV, also Utility Terrain Vehicle)*—any recreational motor vehicle other than an ATV, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on four or more low-pressure tires, with factory specifications not to exceed the following: weight-1900 pounds, length-128" and width-68". UTV tires are restricted to those no larger than 27 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination radius of 17 inches or more measured from the center of the hub and horizontal to ground are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges, except type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated within WMAs except Bussey Brake WMA from April 1 until the Monday of Labor Day weekend, from sunrise to sunset only, and except personal water craft allowed on designated portions of Alexander State Forest WMA year-round. Personal water craft are defined as a vessel which uses an

inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, or persons engaged in angling or any other manually powered vessel.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only, except that those UTVs in which the manufacturer's specifications do not exceed the weight, length, width, and tire restrictions for ATVs are allowed on ATV trails. ATVs are restricted to marked ATV trails only. When WMA roads are closed to LMVs, ATVs and UTVs may then use those roads when allowed. This restriction does not apply to bicycles.

NOTE: Only ATV and UTV trails marked with signs and/or paint, and depicted on WMA maps are open for use.

j. Use of special ATV trails for physically challenged persons is restricted to ATV physically challenged permittees. Physically challenged ATV permittees are restricted to physically challenged ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Physically challenged persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open year round will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution. Many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads, unless specific signage otherwise allows or restricts.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV or electric bicycle except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-



Loutre, Pointe-aux-Chenes, Salvador, Timken, Lake Boeuf, Biloxi, and the Crusel Tract of Maurepas Swamp WMAs under the following conditions:

- i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;
- ii. the retrieval party may consist of no more than one ATV and one helper;
- iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located;
- iv. UTV's may not be used to retrieve downed deer or hogs.

p. No wake zones. Operation of vessels beyond bare steerage speed (the slowest speed a vessel can travel while allowing the operator to maintain directional control of the vessel) in posted no wake zones is prohibited.

q. Electric bicycles are restricted to designated roads and ATV/UTV trails.

#### 10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the LDWF.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Richard K. Yancey WMA. Commercial fishing is prohibited on Salvador/Timken, Pointe-aux-Chenes, and Russell Sage WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. WMAs Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot, size 6 or smaller must be used for dove, rail, snipe, and gallinule. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Pass-a-Loutre, and Salvador/Timken WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on Attakapas, Bodcau, Clear Creek, Little River, Pearl River, Sabine, Sabine Island, and West Bay and that portion of Dewey W. Wills north of the Catahoula Lake Diversion Canal by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions. During the February dog season hunters may use centerfire handguns in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

#### 17. WMAs Hunting Schedule and Regulations

a. Acadiana Conservation Corridor. Self-Clearing Permit required for all activities.

i. Archery only: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

ii. All other seasons CLOSED. No motorized vehicles allowed and no access via I-49 right-of-way.

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Attaching stands to Red Cockaded Woodpecker cavity trees is prohibited. Cavity trees are marked with painted, double white bands. Self-Clearing Permits required for hunters only. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires EXCEPT in recreational areas. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Pineville or Baton Rouge Offices for details and

applications. PCHP blind hunting by reservation for Class I, III and IV PCHP permittees only.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex. PCHP blinds: Oct. 1-Oct. 7, either sex.

(b). Firearms: First Sat. of Nov. for 2 days, either sex. Mandatory Deer Check; Fri. after Thanksgiving Day for 3 days, bucks only. PCHP blinds: Fri. after Thanksgiving Day for 3 days, bucks only; 4<sup>th</sup> Sat. of Oct. for 2 days, 1<sup>st</sup> Sat. of Nov. for 2 days, Mandatory Deer Check; 2<sup>nd</sup> Sat. in Dec. for 2 days, 3<sup>rd</sup> Sat. in Dec. for 2 days, either sex.

(c). Primitive Firearms: 2<sup>nd</sup> Sat. of Oct. for 2 days. Mandatory Deer Check.

ii. Small Game: Same as outside EXCEPT CLOSED during primitive firearms season and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Waterfowl: Same as outside. (Certain areas may be closed as posted).

c. Atchafalaya Delta. Self-Clearing Permit required for all activities. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA Self-Clearing Permit from an information station located at Main Delta campground, Wax Delta Campground, Cul-de-sac on Big Island, and Berwick Public Boat Launch (Jesse Fontenot Boat Launch). Camping and houseboat mooring allowed ONLY in designated campgrounds. Houseboat mooring allowed by permit only (see Subparagraph G. 6. Camping b. for details). Vessels/Vehicles: Mudboats or air-cooled propulsion vessels powered by more than 36 total horsepower are prohibited on the WMA. All ATVs/UTVs, motorcycles, horses and mules prohibited EXCEPT as permitted for authorized WMA trappers. Big Island: CLOSED to all activities during the month of October, EXCEPT LDWF Lottery Hunts.

i. Deer Archery (either-sex): Oct. 1 - Jan. 31 on Main Delta only (Big Island CLOSED during October); no deer hunting on Wax Lake Delta. All harvested deer must be checked in at Atchafalaya Delta Headquarters.

ii. Deer Youth Lottery (either-sex): 2<sup>nd</sup> Sat. of Oct. for 2 days; 3<sup>rd</sup> Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs at 337-735-8667 for details.

iii. Small Game: Same as outside EXCEPT Rabbit Only:

(a). Wax Lake Delta: 1<sup>st</sup> Sat. of Oct. through last day of Feb. Beagles prohibited November through January.

(b). Main Delta: 1<sup>st</sup> day of Feb. through last day of Feb. with or without beagles. Closed October through January.

iv. Waterfowl: Same as outside, EXCEPT shooting hours shall be 1/2 hour before sunrise to 2 p.m. during opening weekends of teal and duck season and 1/2 hour before sunrise to sunset the remainder of the season, and EXCEPT shooting hours are the same as outside for the Youth Hunt weekend.

v. Feral Hogs: May be taken by properly licensed hunters Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display

400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All harvested hogs must be checked in at the Atchafalaya Delta WMA headquarters.

d. Attakapas. Area CLOSED to all EXCEPT Youth Deer Hunters when the Youth deer season is open.

i. Deer:

(a). Deer hunting will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

(b). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(c). Youth: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days.

(e). Firearms Bucks Only: 4<sup>th</sup> Sat. of Dec. for 9 days.

(f). Primitive Firearms (Bucks only): 3<sup>rd</sup> Saturday of January for 2 days.

ii. Turkey: Closed.

iii. Small Game & Waterfowl: Same as outside EXCEPT small game hunting CLOSED during either-sex modern firearms seasons CLOSED during youth deer seasons and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

e. Bayou Macon. Area Closed: To all EXCEPT Youth Deer Hunters last Sat. of Oct. for 2 days. All night activities prohibited EXCEPT as otherwise provided.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms: Either sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Primitive Firearms: 3<sup>rd</sup> Sat. of Dec. for 9 days.

ii. Turkey: General Lottery: Last Sat. of Area B season for 2 days.

iii. Small Game & Waterfowl: Same as outside EXCEPT CLOSED during either-sex modern firearms season and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3<sup>rd</sup> Sat. of Oct.-Sun. prior to firearms either-sex deer, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: (Nighttime): Sept. 1st for 16 days and 1<sup>st</sup> Sat. of Jan. to the last day of Feb.

f. Bayou Pierre. Waterfowl Refuge is closed to all hunting, trapping and fishing EXCEPT for archery hunting for deer, which is allowed on the entire area. Refuge is marked with "Waterfowl Refuge" signs. Contact Minden Office for details for lottery hunts listed below at 318-371-3050.

i. Deer:

(a). Archery only: Oct. 1-Jan. 31, either-sex. Archery hunting is allowed in the waterfowl refuge.

ii. Dove: Same as outside.

iii. Waterfowl Lottery Only: (Designated Portion)

(a). Lottery Youth Hunt: Same as outside youth waterfowl hunt.

(b). General Lottery Hunt: 2nd weekend of 1<sup>st</sup> split and 1<sup>st</sup> and 4<sup>th</sup> weekends of 2<sup>nd</sup> split of the West Zone season.

iv. Other Small Game: Same as outside and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

v. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

g. Big Colewa Bayou. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Monroe or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Fri. after Thanksgiving for 3 days, either-sex and 2<sup>nd</sup> Sat. of Dec. for 16 days, bucks only.

i. Deer:

(a). Archery only: Oct. 1-Jan. 31, either-sex.

ii. Small Game & Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbit hunting Jan. 1st to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3<sup>rd</sup> Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iii. All nighttime activities prohibited.

h. Big Lake. Area closed to all south of Big Lake and Crystal Roads when youth deer season is open. North of Big Lake and Crystal Roads open to all activities.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex. Youth hunt on designated portion. See WMA map for specific location.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 2<sup>nd</sup> Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after firearms bucks only season closes for 14 days.

ii. Turkey: Opening day of statewide season for 9 days, EXCEPT season will open for 10 days when statewide season opens on Good Friday.

(a). Youth: Sat. before opening day of statewide season for 2 days, EXCEPT when that Sat. falls on Easter weekend then season will open on Good Friday for 3 days.

iii. Small Game: Same as outside EXCEPT CLOSED during either-sex firearms seasons and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and

dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Waterfowl: Same as outside EXCEPT CLOSED during either-sex modern firearms seasons.

v. Raccoon (Nighttime): the day after primitive firearms season ends to the last day of Feb.

vi. Sport Fishing: yoyos, limblines and trotlines prohibited on Big and Chain Lakes.

vii. Commercial fishing: commercial fishing is prohibited.

i. Biloxi. Self-Clearing Permits required for all activities. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses, and mules are prohibited. Mud boats or air cooled propulsion vessels can only be powered by straight shaft "long-tail" air-cooled mud motors that are 25 total horsepower or less. All other types of mud boats or air cooled propulsion vessels, including "surface-drive" boats, are prohibited. Overnight mooring of all vessels 50 feet in length or more is prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Deer Archery (either-sex): Oct. 16 - Jan. 31

ii. Small Game and Waterfowl: Same as outside EXCEPT beagles allowed for rabbits when duck season is closed and EXCEPT CLOSED to squirrel hunting during the spring season.

j. Bodcau. Area closed to all EXCEPT Youth deer hunters during the Youth Deer Hunt on designated portion.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Sat. after 2<sup>nd</sup> Fri. of Oct. for 2 days, either-sex on designated portion.

(c). Firearms either-sex: Last Sat. of Oct. to the Sun. after Thanksgiving Day. Last Sat. of Oct. and Sun. after last Sat. of Oct., Mandatory Deer Check.

(d). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.

ii. Turkey

(a). Opening day of statewide season for 16 days, EXCEPT season will open for 17 days when statewide season opens Good Friday.

(b). Youth: Sat. before opening day of statewide season for 2 days EXCEPT when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days. 4<sup>th</sup> Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during the youth deer hunt on designated portion and entire area 1<sup>st</sup> 2 days of modern firearms deer season EXCEPT spring squirrel season will be open the 1<sup>st</sup> Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Day after firearms deer season ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iv. Raccoon: (Nighttime) Day after firearms deer season ends to the last day of Feb.

v. Bird Dog Training Area: Permit required. Open all year EXCEPT CLOSED during WMA Turkey Season. Contact Minden Office for permits and information.

vi. Fishing: Nets and traps prohibited on Ivan Lake.

k. Boeuf. Area Closed to all south of LA 4 EXCEPT Youth Deer Hunters when youth deer season is open. North of

LA 4 open to all activities. Internal combustion engines and craft limited to 10 hp rating or less in the Greentree Reservoir.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: 2nd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. - Mandatory Deer Check, Sun. - Self-Clearing Permit.

(d). Firearms Bucks Only: 1<sup>st</sup> Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after the close of Firearms Bucks Only for 14 days. 2<sup>nd</sup> Sat. of Nov. for 7 days.

ii. Turkey: Opening day of statewide season for 9 days, EXCEPT season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during Deer Either-sex modern firearms season, and EXCEPT spring squirrel season will be open the 1<sup>st</sup> Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3<sup>rd</sup> Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

l. Buckhorn. Area Closed: Last Sat. of Oct. for 2 days to all EXCEPT Youth and Physically Challenged Deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit; and 2<sup>nd</sup> Sat. of Dec. for 2 days.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after firearms bucks only season ends for 14 days.

(f). Youth and Physically Challenged Wheelchair Confined Deer Hunting Area: check map for location. Access restricted. Call Monroe or Baton Rouge Offices for further details.

(g). Youth Lottery: 2<sup>nd</sup> weekend and last consecutive Sat. and Sun. of Dec. and 1<sup>st</sup> consecutive Sat. and Sun. in Jan. Either-sex. Hunting by pre-application lottery only.

(h). Physically Challenged Wheelchair Confined: 2<sup>nd</sup> weekend and last consecutive Sat. and Sun. of Dec. and 1<sup>st</sup> consecutive Sat. and Sun. in Jan. Either-sex. Hunting by reservation for wheelchair confined. PCHP permittees only.

ii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex modern firearm season and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iii. Raccoon (Nighttime): Day after primitive firearms season ends to the last day of Feb.

m. Bussey Brake. Area closed to all hunting and trapping activity. Recreational fishing and all other allowed non-consumptive uses only. No personal watercraft or water skiing. No camping. No ATVs/UTVs or electric bicycles allowed. No motorized vehicles of any type allowed on reservoir levee except at boat launch for purpose of launching boat or to access fishing pier. Pulling boats over levees or any other activities that cause detriment to the levees is prohibited. Horseback riding and non-motorized bicycles are allowed only on the designated trail named Levee Trail (see map at boat launch kiosk). Access is granted at two marked locations, adjacent to the boat launch and just beyond the boat launch parking area. No tying boats to channel marker poles. A No-Wake Zone is in effect in the harbor inside the wave break. No boats allowed within 30 feet of fishing piers.

i. Fishing: Fish may be taken only by rod and reel or cane pole for recreational purposes. All types of nets, including but not limited to gill nets, trammel nets, hoop nets, wire nets, fyke nets and fish seines are prohibited. Trotlines, yo-yos, limb lines, stump lines, slat traps, jugs, cans, and pipes are prohibited. Shoreline (non-boat) fishing only allowed at designated locations. No fishing or lake access from rocks along interior of reservoir levee.

(a). Black Bass (*Micropterus spp.*)

(i). Daily limit: recreational daily creel limit shall be fish (5) fish, in the aggregate;

(ii). Possession limit: possession limit shall be five (5) fish while on water and ten (10) fish while off water, in the aggregate;

(iii). Length: the maximum total length limit shall be 16 inches, with the exception that one fish over 16 inches may be kept.

(b). Crappie (*Pomoxis spp.*)

(i). Daily limit: recreational daily limit shall be 25 fish in the aggregate;

(ii). Possession limit: possession limit shall be 25 fish while on water and 50 fish while off water, in the aggregate;

(iii). Length: the minimum total length shall be 10 inches.

(c). Bream (*Lepomis spp.*)

(i). Daily limit: recreational daily creel limit shall be 50 fish, in the aggregate;

(ii). Possession limit: possession limit shall be 50 fish while on the water and 100 while off the water in the aggregate;

(iii). Length: no minimum length.

n. Camp Beauregard. All or portions of the area may be closed daily due to military activities. All game harvested must be reported on self-clearing checkout permit. No hunting in Restricted Areas. Swimming in Twin Lakes prohibited. Retriever training allowed on selected portions of the WMA. Area Closed: To all EXCEPT Youth Deer Hunters and Permitted Disabled Veterans Hunters Sat. and Sun. preceding Veterans Day.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: Sat. and Sun. preceding Veterans Day, either-sex on designated portion of the WMA.

(c). Disabled Veterans Deer Hunt: Sat. and Sun. preceding Veterans Day, by lottery only, either-sex on designated portion of the WMA. Call Pineville office for details and application.

(d). Firearms Bucks Only: Dec. 26-Jan. 1.

(e). Primitive Firearms: Fri. after Thanksgiving Day for 2 days, Mandatory Deer Check. All deer harvested must be brought to Rifle Range Road Weigh Station. 2<sup>nd</sup> Sat. of Dec. for 2 days Self-Clearing Permit.

ii. Turkey: Opening day of statewide season for 9 days, EXCEPT season will open for 10 days when statewide season opens Good Friday.

iii. Small Game & Waterfowl: Same as outside, EXCEPT CLOSED during either-sex gun hunts for deer and EXCEPT CLOSED to squirrel hunting during the spring season. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to the last day of Feb.

iv. Raccoon (Nighttime): Last consecutive Sat. and Sun. in Jan. to last day of Feb.

v. Fishing: Special regulations to be posted at Twin Lakes.

o. Clear Creek. Area Closed to all EXCEPT Youth Deer Hunters when the Youth Deer Season is open. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: 3<sup>rd</sup> Sat. of Sept. to Jan. 15, either-sex.

(b). Youth Deer Hunt: Next to last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, Mandatory Deer Check and Fri. after Thanksgiving for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2<sup>nd</sup> Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1<sup>st</sup> either-sex firearms weekend for 7 days.

ii. Turkey

(a). Mon. after 2<sup>nd</sup> Sat. of April for 21 days.

(b). General Lottery: Opening day of statewide season for 2 days, 2<sup>nd</sup> Sat. of April for 2 days.

(c). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex gun hunts and EXCEPT spring squirrel season will be open 1<sup>st</sup> Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after firearms bucks only season closes to the last day of Feb. Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to the last day of Feb.

p. Dewey Wills. Area Closed: to all EXCEPT Youth and Physically Challenged Deer Hunters during the Physically Challenged and Youth Deer Hunt only on that portion of the area north of the Diversion Canal. High Water Benchmark Road Closures: Hunt Road (South of the Catahoula Lake Diversion Canal) and Muddy Bayou Road

east of Nolan Bayou Road will be closed when water levels at the Larto Lake gauge reaches 45.0 ft. msl, and will reopen when water levels recede to 43.0 ft. msl, and Muddy Bayou Road west of the intersection of Nolan Bayou Road and Sandy Bayou Road will be closed when water levels at the Larto Lake gauge reaches 42.0 ft. msl and will reopen when water levels recede to 40.0 ft. msl.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Physically Challenged and Youth: Last Sat. of Oct. for 2 days, either-sex. Only that portion of the area north of the Diversion Canal shall be open only to Physically Challenged and youth deer hunters. The remainder of the area is open to all.

(c). Youth Lottery: 1<sup>st</sup> Sat. of Dec. for 2 days, 1<sup>st</sup> Sat. of Jan. for 2 days, 2<sup>nd</sup> Sat. of Jan. for 2 days, and 3<sup>rd</sup> Sat. of Jan. for 2 days, either-sex. Contact Pineville Office (318-487-5885) for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit. No hunting allowed in the greentree impoundment or within 100 feet of the greentree levee if duck season is in progress.

(e). Firearms Bucks Only: 4<sup>th</sup> Sat. of Dec. for 16 days.

(f). Primitive Firearms: 2<sup>nd</sup> Sat of Dec. for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during Physically Challenged and Youth Deer Season north of the Diversion Canal and the entire area during the either-sex firearm hunt EXCEPT waterfowl hunting will be allowed in the greentree impoundment during the firearm either-sex season and open to squirrel hunting during the spring season 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after Firearms Bucks-Only season ends to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1<sup>st</sup> Sat. of Oct. to the 3<sup>rd</sup> Sun. of Nov., and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

- iv. Raccoon
  - (a). Nighttime: day after primitive firearms season ends to the last day of Feb.
  - (b). Nighttime Chase only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take season only.
- v. Crawfish: Limited to 100 pounds per person per day.
- vi. LARTO TRACTS: All season dates on Larto Tracts (see WMA map) same as outside, EXCEPT deer hunting restricted to ARCHERY ONLY. All vehicles, including ATVs, are prohibited.
- q. Elbow Slough
  - i. Mourning Dove: Saturdays, Sundays and Wednesdays only during Sept. and Oct. of the outside season, EXCEPT by lottery only opening weekend of 1<sup>st</sup> split. Applications available at Pineville office and online. Contact Pineville office for details.
  - ii. Rabbit: Feb. 1 to the last day of Feb. Beagles allowed.
  - iii. Crawfish: March-July. Limit: 100 lbs. per person per day. Recreational crawfishing only. No traps or nets left overnight.
  - iv. All other seasons closed. Non-toxic (minimum size #6) shot only for all hunting. All motorized vehicles prohibited.
- r. Elm Hall. ATVs/UTVs prohibited.
- i. Deer
  - (a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.
  - (b). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days.
  - (c). Firearms Bucks Only: Sun. after Thanksgiving Day and the 4<sup>th</sup> Sat. of Dec. for 9 days.
  - (d). Primitive Firearms: Next to last Sat. in Jan. for 2 days.
- ii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearm seasons for deer, beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the close of primitive firearms to the end of Feb. and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs.
- s. Floy Ward McElroy. Access restricted. Contact Monroe Wildlife Field Office at 318-343-4045 for information.
- i. Deer: limit 1 deer per participant per weekend for all hunts.
  - (a). Youth Lottery: 2<sup>nd</sup> weekend and last consecutive Sat. and Sun. of Dec., and 2<sup>nd</sup> consecutive Sat. and Sun. in Jan., either-sex. Restricted to those selected as a result of the pre-application lottery.
  - (b). Physically Challenged Wheelchair Confined Lottery: 1<sup>st</sup> Sat. of Nov. for 2 days, either-sex. Restricted to wheelchair confined PCHP permittees only selected as a result of the pre-application lottery.
  - (c). Beyond Becoming an Outdoors Woman (BOW) Lottery Deer Hunt: 1<sup>st</sup> weekend in Dec. Hunt restricted to those that have successfully completed the Becoming an Outdoors Woman Deer Management Course. Must be Hunter Education certified. Contact LDWF Education Section, 318-343-1241, for more information.
- t. Fort Polk-Vernon. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: <http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm>. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.
  - i. Deer:
    - (a). Archery: 3<sup>rd</sup> Sat. of Sept. to Jan. 15, either-sex. Special Archery regulations for Archery Only Area, check locally at Building 2396 on 22<sup>nd</sup> St., either-sex deer legal the entire season. Remainder of WMA restricted to bucks only when bucks only gun season is in progress.
    - (b). Primitive Firearms: 2<sup>nd</sup> Sat. of Oct. for 7 days, Self-Clearing Permit required.
    - (c). Firearms Either-sex: Last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.
    - (d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2<sup>nd</sup> Sat. of Dec. to Jan. 1.
  - ii. Turkey: Same as outside.
  - (a). Youth Lottery: Sat. before opening day of statewide season.
  - iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunts for deer and EXCEPT CLOSED to squirrel hunting during the spring season. "Hunter orange" or "blaze pink" must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to the last day of Feb.
  - iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.
  - v. Fishing: Special regulations pertaining to fishing are posted at specific lakes.
  - vi. Experimental Hunting Area: Refer to Fort Polk WMA Hunting Map: Small game and squirrel hunting with dogs allowed Mon. after Thanksgiving Day to last day of Feb. in Mill Creek 2 Alpha (MC2A) and Mill Creek 2 Bravo (MC2B) Mill Creek Unit. This area will be closed to deer and hog hunting during this time.
  - u. Grassy Lake. Area Closed: To all EXCEPT Youth Deer Hunters during Youth Deer Hunt.
    - i. Deer
      - (a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.
      - (b). Youth: Last Sat. of Oct. for 2 days.
      - (c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4<sup>th</sup> Sat. of Dec. for 9 days.

(e). Primitive Firearms (either-sex): 2<sup>nd</sup> Saturday of Dec. for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunts for deer and open to squirrel hunting during the spring season 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iv. Sport Fishing: Same as outside EXCEPT permitted only after 2 p.m. during waterfowl season on Smith Bay, Red River Bay and Grassy Lake proper.

v. Commercial Fishing: Permitted EXCEPT on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor Spring Bayou Headquarters or Lafayette Field Office.

vi. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days, day after primitive firearms season ends for 12 days, and day after bucks only firearm season ends to the last day of Feb.

vii. Crawfish: March 15-July 31. Recreational only. 100 pounds per person daily. No nets or traps may be left overnight.

v. Hutchinson Creek

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game and Waterfowl: Same as outside. Open to squirrel hunting during the spring season 1<sup>st</sup> Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1<sup>st</sup> Sat. of Jan to the last day of Feb.

iv. Raccoon: 2<sup>nd</sup> Sat. of Sept. for 16 days and 1<sup>st</sup> Sat. of Jan to the last day of Feb.

w. J. C. Sonny Gilbert. Area Closed: Last Sat. of Oct. for 2 days to all EXCEPT Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: 1<sup>st</sup> Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after close of Firearms Bucks Only for 14 days.

ii. Turkey

(a). General Lottery: Opening day of statewide season for 9 days, with 3 consecutive 3 day hunts.

(b). Youth Lottery: Sat. before opening day of statewide season for 2 days, EXCEPT when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex modern firearms seasons for deer and open to squirrel hunting during the

spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

iv. Raccoon (Nighttime): the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

v. Sport Fishing: Restricted to rod and reel, and pole fishing only. All other gear prohibited.

x. Joyce. Swamp Walk: Closed from 30 minutes after sunset to 30 minutes before sunrise. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: 1<sup>st</sup> Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 3<sup>rd</sup> Sat. of Dec. for 16 days.

(e). Primitive Firearms (either-sex): 2<sup>nd</sup> Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.

ii. Small Game and Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.

iv. Crawfish: Limited to 100 pounds per person per day.

y. Lake Boeuf. Self-Clearing Permit required for all activities. Self-Clearing Permit available at Theriot Canal boat landing off LA 308. All nighttime activities prohibited. ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Archery (either-sex): Oct. 16 - Jan. 31

ii. Waterfowl: Same as outside.

iii. Small Game: 1<sup>st</sup> day of Nov. to the last day of Feb. and open to squirrel hunting during the spring season from the 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles prohibited November and December.

z. Lake Ramsey. All vehicles restricted to Parish Roads and designated parking areas.

i. Deer

(a). Archery only, Oct. 1-Jan. 31, either-sex.

ii. Turkey: Opening day of statewide season for 16 days, EXCEPT season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to last day of Feb.

iv. Foot traffic only - All vehicles restricted to Parish Roads, EXCEPT ATVs allowed for hunters retrieving downed deer or feral hogs.

v. Bird Dog Training Area: Open all year EXCEPT CLOSED during WMA Turkey Season. Contact Hammond Office (985-543-4777) for information.

aa. Little River

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Bucks Only: Last Sat. of Oct. for 16 days.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, and 2<sup>nd</sup> Sat. of Dec. for 2 days.

ii. Turkey: Opening day of statewide season for 16 days, EXCEPT season will open for 17 days when statewide season opens Good Friday.

iii. Raccoon

(a). Nighttime: Mon. after 2<sup>nd</sup> Sat. of Jan. to last day of Feb.

(b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take seasons only.

iv. Small Game and Waterfowl: Same as outside EXCEPT spring squirrel season will be open the 1<sup>st</sup> Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

v. Crawfish: March-July. Limit: 100 pounds per person per day. Recreational crawfishing only. No traps or nets left overnight.

bb. Loggy Bayou. Limited Use Area: Small game same as rest of WMA. Deer hunting archery only. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(c). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.

ii. Small Game and Waterfowl: Same as outside EXCEPT youth hunt only on opening Saturday of first split of dove season (following regulations for Youth Deer Hunt on WMAs), and EXCEPT CLOSED during either-sex firearms seasons for deer and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Raccoon (Nighttime): Sat. before Christmas to the last day of Feb.

cc. Manchac.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either-sex.

ii. Small Game & Waterfowl: Same as outside EXCEPT steel shot required for rails, snipe and gallinules and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Feb. 1 to the last day of Feb.

iii. Raccoon (Nighttime): Feb. 1 to the last day of Feb.

iv. Crabs: No crab traps allowed. Attended lift nets are allowed.

dd. Marsh Bayou

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1<sup>st</sup> Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1<sup>st</sup> Sat. of Jan to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iii. Raccoon: 2<sup>nd</sup> Sat. of Sept. for 16 days and 1<sup>st</sup> Sat. of Jan to the last day of Feb.

ee. Maurepas Swamp. Camping limited to tent camping in designated areas. See WMA map for locations. No loaded firearms or hunting allowed within 100 yards of Nature Trail. Benchmark Closure: Area Closed to all deer hunting when USGS water level gauge CRMS 5373, available at <http://waterdata.usgs.gov/la/nwis/rt> is at or above 3.0 ft. msl and reopens to deer hunting when water levels recede to 2.5 ft. msl following a closure. Motorized vehicles prohibited on Crusel Tract (see WMA map for Crusel Tract). Limited Use Area: Small game same as outside except shotgun only. Deer hunting archery only. See WMA map for specific location. Area Closed to all hunters EXCEPT Youth Deer Hunters during Youth Deer Season. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Hammond Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either sex.

(b). Youth: 1<sup>st</sup> Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, and Sun. Self-Clearing Permit

(d). Firearms Bucks Only: 3<sup>rd</sup> Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2<sup>nd</sup> Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan. for 7 days.

ii. Small Game & Waterfowl: Same as outside EXCEPT CLOSED Friday after Thanksgiving Day for 3 days during either-sex firearms hunts and CLOSED during youth deer season and EXCEPT spring squirrel season will be open the 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.

iv. Crawfish: Limited to 100 pounds per person per day.

ff. Pass-A-Loutre. Self-Clearing Permit required for all activities. Permits available at Pass-a-Loutre Headquarters, Camp Canal and all designated camping



areas. Oyster harvesting is prohibited. Camping allowed ONLY in designated areas. See self-clearing permit station at headquarters and WMA map for designated camping areas. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules are prohibited. Mud boats or air-cooled propulsion vessels powered by more than 36 total horsepower prohibited. Operation of mud boats and air-cooled propulsion engines prohibited after 2 p.m. Sept. 1 - Jan. 31, EXCEPT allowed after 2 p.m. in South Pass, Pass-a-Loutre, Southeast Pass, Loomis Pass, Dennis Pass, and Cadro Pass.

i. Deer

(a). Archery (bucks only): Oct. 1- Feb.15.

(b). Youth Shotgun bucks only: second to last Sat in Oct. for 2 days.

(c). Deer Shotgun: Bucks only may be taken with shotguns with either slugs or buckshot from the day after the first split of the duck season closes for seven days.

ii. Small Game and Waterfowl: Same as outside. Beagles prohibited October through last day of waterfowl season.

iii. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hogs may be taken with the aid of dogs Feb. 16 - March 15. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

iv. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map.

gg. Pearl River. Shooting range: Self-clearing permit not required but all range users must obtain a daily check in validation slip at the range upon sign-in at the range. For dates, time or more information call 985-643-3938 or [www.honeyisland.org](http://www.honeyisland.org). No loaded firearms or hunting within 100 yards of boardwalk. All roads closed 8 p.m. - 4 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting except waterfowl hunting south of Hwy. 90 will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of the Nature Trail. Observe "No Hunting" signs. Area Closed to all hunters EXCEPT Youth Hunters during Youth deer hunt.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: 1<sup>st</sup> Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 1<sup>st</sup> Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2 Sats. prior to Thanksgiving for 7 days and day after firearms bucks only season closes for 14 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days.

(b). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game: Same as outside EXCEPT CLOSED the Friday after Thanksgiving Day for 3 days during either-sex firearms hunts for deer, and closed during youth deer hunt, and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Waterfowl: Same as outside EXCEPT no hunting in Waterfowl Refuge Area and EXCEPT CLOSED Fri. after Thanksgiving for 3 days, and during youth deer hunt north of U.S. Hwy. 90.

v. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vi. Crawfish: Commercial crawfishing prohibited. Limited to 100 pounds per person per day.

hh. Peason Ridge. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: <http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm>. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures.

i. Deer

(a). Archery: 3<sup>rd</sup> Sat. of Sept. to Jan. 15, either-sex EXCEPT restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2<sup>nd</sup> Sat. of Oct. for 7 days. Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2<sup>nd</sup> Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunts for deer and EXCEPT CLOSED to squirrel hunting during the spring season. "Hunter orange" or "blaze pink" must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.

ii. Pointe-Aux-Chenes. All nighttime activities prohibited. Possession of more than one daily limit of

fish/crab/shrimp while on the WMA is prohibited. Self-clearing permits available at Grand Bayou Boat Launch and at Point Farm gate behind Montegut Middle School. Parking of vehicles on levees prohibited. Vessels/Vehicles: All boats powered by internal combustion engines having total horsepower above 25 Hp are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal, and Bayou Pointe-aux-Chenes unless authorized by LDWF. All ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All Point-aux-Chenes Property EXCEPT Point Farm Unit and Restricted Areas

ii. Deer

(a). Archery (bucks only): Oct. 1-15.

(b). Archery (either-sex): Oct. 16 - Feb. 15.

(c). Firearms (bucks only): Fri. after Thanksgiving Day for 3 days and 2<sup>nd</sup> Sat. of Dec. for 7 days.

iii. Waterfowl: Same as outside except closes at 2 pm.

iv. Small Game: Same as outside EXCEPT CLOSED during bucks only firearms season and open to squirrel hunting during the spring season from the 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles prohibited October through December.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish is for recreational purposes only and any commercial use is prohibited. All castnet contents shall be contained and bycatch returned to the water immediately.

vi. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat or vehicle per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat or vehicle per day (heads on) may be taken for bait.

vii. Oyster Harvesting PROHIBITED.

viii. Fish may be taken only by rod and reel or hand lines for recreational purposes only.

ix. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. No drop net is allowed to be left unattended at any time. A maximum of 12 drop nets may be possessed/attended per boat or vehicle. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

x. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Gear used to catch crawfish shall not remain set overnight.

xi. Point Farm Unit (Pointe-aux-Chenes). An approximately 1,000-acre area inside the Pointe-aux-Chenes WMA which is generally bounded on the west by the double gates behind the Montegut Middle School and the WMA

boundary, and on the north by the WMA boundary and Point Farm ridge levee, and is bounded on the east and south by the Point Farm ridge levee. The boundary of Point Farm is more accurately marked with signs. Point Farm gate will be open all Saturdays during the month of February, weather permitting. Parking in designated areas required for mourning dove hunting. No motorized vessels allowed in the drainage ditches. Except for mourning dove hunting, (provided for below) all other hunting activities closed until after the last day of youth deer hunts.

(a). Deer

(i). Youth Lottery (either-sex): 1<sup>st</sup> Sat. of Oct. for 2 days, 2<sup>nd</sup> Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs, 337-735-8667 for details.

(ii). Archery (either-sex): Oct. 16 – Jan. 14

(b). Waterfowl: CLOSED

(c). Small Game: Same as outside, EXCEPT CLOSED until the day after the last youth deer hunt day and open to squirrel hunting during the spring season from the 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles prohibited October and November. Non-toxic shot only south of the dove field gate.

(d). Mourning Dove: Hunting will be permitted each day during the September split and each day of the second and third splits (AFTER the last youth deer hunt day). Shooting hours will be from 1/2 hour before sunrise until sunset, EXCEPT opening day of the first split, which will be 12:00 pm (noon) until sunset. Gates will be opened on Saturdays during the first and second segments, weather permitting, EXCEPT during waterfowl season and Youth Deer Hunt weekends. Parking will be allowed in designated areas only. Non-toxic shot only south of the dove field gate.

jj. Pomme de Terre. Area Closed: To all EXCEPT Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4<sup>th</sup> Sat. of Dec. for 16 days.

(e). Primitive Firearms: Day after firearms bucks only season ends for 7 days.

ii. Turkey: 4<sup>th</sup> Sat. of April for 9 days.

(a). Youth Lottery: 3<sup>rd</sup> Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunt for deer and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. On that portion designated as Small Game Emphasis Area,

beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 21 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Permitted Monday through Friday EXCEPT closed during duck season. Commercial Fishing Permits available from area supervisor, Lafayette Wildlife Field Office or Spring Bayou Headquarters.

vi. Sport Fishing: Same as outside EXCEPT allowed only after 2 p.m. only during waterfowl season.

vii. Crawfish: March 15-July 31. Recreational only. 100 lbs. per person daily. No nets or traps may be left overnight.

kk. Richard K. Yancey. Area closed on that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all EXCEPT Youth and Physically Challenged Deer Hunters. The remainder of the WMA is open to all users.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Lottery: 3<sup>rd</sup> & 4<sup>th</sup> Sat of Dec. except if the 4<sup>th</sup> Sat. is Christmas Day, then the hunt will be the 2<sup>nd</sup> & 3<sup>rd</sup> Sat. of Dec. and the 1<sup>st</sup> and 2<sup>nd</sup> Sat. in Jan. except when the 1<sup>st</sup> Sat. of Jan. is New Year's Day then the hunt will be the 2<sup>nd</sup> & 3<sup>rd</sup> Sat. of Jan., either-sex.

(c). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(e). Firearms Bucks Only: Last Sat. of Dec. for 9 days.

(f). Primitive Firearms (Either-Sex): 2<sup>nd</sup> Saturday in December for 2 days.

ii. Turkey: Opening day of statewide season for 9 days except season will open for 10 days when statewide season opens on Good Friday.

(a). Youth Lottery: Sat. before opening day of statewide season for 2 days, EXCEPT when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: Same as outside EXCEPT

CLOSED during the either-sex firearms season and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 12 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Quail: Closed.

v. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and day after firearms bucks only season ends to last day of Feb.

vi. Crawfish: Recreational crawfishing allowed west of the Mississippi River Levee only Mar. 15 to July 31, recreational crawfishing only. Crawfish harvested limited to 100 pounds per person per day. No traps left overnight. No motorized watercraft allowed.

vii. Sport Fishing and Commercial Fishing: Same as Outside

EXCEPT CLOSED from 30 minutes before sunrise until 2 p.m. on: Grand Bay, Silver Lake, Lower Sunk Lake, Lac A' Sostien, Moreau Lake, and Hog Pen Lake during open waterfowl seasons, except during early Teal Season, recreational fishing allowed after 10 a.m.

ll. Russell Sage. AREA CLOSED: Last Sat. of Oct. for 2 days South of I-20 only to all EXCEPT Youth and Physically Challenged Deer Hunters. North of I-20 open to all other allowable activities. Wham Brake: September 1-Jan. 31 all motorized vessels prohibited 2 p.m.-4 a.m., and all nighttime activities prohibited during open waterfowl season. Waterfowl Refuge: North of LA Highway 15 closed to all hunting, fishing, trapping and ATV use during duck season including early teal season, EXCEPT hunting allowed during Falconry Waterfowl Season. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited EXCEPT as otherwise provided. Chauvin Tract: All season dates on Chauvin Tract (US 165 North) same as outside, EXCEPT still hunt only, EXCEPT deer hunting restricted to archery only, and EXCEPT small game shotgun only. All vehicles including ATVs prohibited. Wham Brake Area: Waterfowl hunting open during either-sex deer season.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, south of I-20 only.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 2<sup>nd</sup> Sat. of Dec. for 14 days.

(e). Primitive Firearms: Mon. after Firearms either-sex season for 7 days.

ii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms deer seasons, except Wham Brake area, South Bosco Tract and Pintail Alley area will remain open during either-sex firearms deer seasons, and EXCEPT spring squirrel season will be open the 1<sup>st</sup> Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3<sup>rd</sup> Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31. Snipe hunting after 2 p.m. prohibited during duck season.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): 1<sup>st</sup> Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

iv. Crawfish: 100 pounds per person per day limit.  
mm. Sabine. Area Closed: That portion designated as the Physically Challenged Deer Hunting Area is closed to all activities the Fri. before 3rd Sat. of Oct. for 3 days to all but Physically Challenged Deer Hunters. Remainder of area closed to all activities 3rd Sat. of Oct. for 2 days to all but Youth Deer Hunters. Physically Challenged Deer Hunt limited to those chosen by lottery. Contact LDWF Pineville Field office for details.

i. Deer

- (a). Archery: Oct. 1-Jan. 31, either-sex.
- (b). Youth and Physically Challenged: 3<sup>rd</sup> Sat. of Oct. for 2 days, either-sex.
- (c). Firearms Either-sex: 4<sup>th</sup> Sat. of Oct. for 2 days, Fri. after Thanksgiving Day for 3 days, Self-clearing Permit.
- (d). Firearms Bucks Only: day after primitive firearm season to day before Thanksgiving Day. First Sat. of December for 9 days.
- (e). Primitive Firearms: Monday after the 4<sup>th</sup> Sat. in Oct. for 7 days.

ii. Turkey

- (a). General Lottery: 2<sup>nd</sup> Fri. of April for 3 days, 4<sup>th</sup> Fri. of April for 3 days.

iii. Small Game & Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

nn. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east. Self-Clearing Permits required for hunters only. Area Closed: 4<sup>th</sup> Sat. of Sept. for 2 days to all EXCEPT Youth Deer Hunters.

i. Deer

- (a). Same as Area 8 Deer Season EXCEPT still hunt only.
- (b). Archery: 3<sup>rd</sup> Sat. of Sept. to Jan. 15, either-sex.
- (c). Youth: 4<sup>th</sup> Sat. of Sept. for 2 days, either-sex.

ii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED 4<sup>th</sup> Sat. of Sept. for 2 days and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Squirrel hunting with dogs allowed day after Area 8 deer season ends to last day of Feb.

iii. Raccoon (Nighttime): Day after Area 8 deer season ends to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from 3<sup>rd</sup> Sat. of Sept. to last day of Feb. Hogs may be taken with the aid of dogs Feb. 1 to last day of Feb.

oo. Salvador/Timken. Self-Clearing Permit required for all activities. Permits available at Pier 90, Bayou Gauche, Bayou Segnette State Park landings, and at Airboat Adventures in Lafitte. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules prohibited. Use of mud boats powered by internal combustion engines with more than four cylinders is prohibited. Pulling boats over levees, dams or

water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. AREA CLOSED: During the month of October to all activities EXCEPT fishing, Youth Deer Hunters and Youth Waterfowl Hunters, if the latter is provided for.

i. Deer

- (a). Archery (either-sex): Nov. 1 - Jan. 31
- (b). Youth (either-sex): Last 4 Sats. of Oct. for 2 days each EXCEPT when the last Sat. is the 31<sup>st</sup> in which case the season will be the 1<sup>st</sup> four Sats. of Oct. for 2 days each, either sex.

(c). Firearms (either-sex): Fri. before Thanksgiving Day for 3 days.

(d). Firearms (bucks only): Mon. before Thanksgiving Day for 28 days.

(e). Deer Primitive Firearms (either-sex): Day after Firearms Bucks Only for 7 days.

ii. Waterfowl: Same as outside.

iii. Small Game: Same as outside EXCEPT CLOSED October through December. Beagles allowed for rabbits Jan. through last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited.

vi. Shrimp: may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat per day (heads on) maximum may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately.

vii. Fish: may be taken only by rod and reel or hand lines for recreational purposes.

viii. Crabs: may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

ix. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Fishing gear used to catch crawfish shall not remain set overnight.

x. Experimental Nighttime Activity Season:

- (a). 12 a.m., June 1 through official sunrise Aug. 15. Nighttime activities LIMITED to the take of frogs and fishing with a rod and reel. All other nighttime activities prohibited. Daily limit of 50 frogs per vessel in aggregate (bull frogs/pig frogs). If engaged in frogging on or while traversing the WMA, all frogs in possession will be deemed to have been taken from the WMA. At no time may anyone possess more than one daily limit of frogs while on the water.

(b). Size Limit: (Measured from the tip of the muzzle to the posterior end of the body between the hind legs). Bull frogs harvested must be 5 inches or larger. Pig frogs harvested must be 3 inches or larger.

(c). Check out portion of self-clearing permit must include boat registration number under the comments section. Possession of firearms while participation in any experimental nighttime activity is prohibited.

pp. Sandy Hollow. No hunting with any firearm south of Jackson Road, except school board tract, on days of scheduled field trials. Dates of field trials are listed on the check stations or can be obtained from the Hammond office (985-543-4777). Area Closed: North tract closed to all hunters 1<sup>st</sup> Sat. of Nov. for 2 days, except Youth and Physically Challenged Deer Hunters.

i. Deer

(a). Youth/Physically Challenged: 1<sup>st</sup> Sat. of Nov. For 2 days, either-sex.

(b). Archery: Oct. 1-Jan. 31, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, and 3<sup>rd</sup> Sat. of Dec. for 2 days.

(d). Primitive Firearms: 2<sup>nd</sup> Sat. of Dec. for 7 days, 4<sup>th</sup> Sat. of Dec. for 7 days, and the 1<sup>st</sup> Sat. of Jan. for 2 days.

ii. Turkey: Opening day of statewide season for 16 days, EXCEPT season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED Fri. after Thanksgiving for 3 days and Youth/Physically Challenged hunt, and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

v. Mourning Dove: 1<sup>st</sup> day and 2<sup>nd</sup> Sat. through end of 1<sup>st</sup> split. Closed remainder of 1<sup>st</sup> split. Second and third splits are same as outside EXCEPT Youth Hunt on Northern tract during the opening day of the first segment. Hunt restricted to youths younger than 18 years of age and supervising adult who must be 18 years of age or older. The supervising adult must maintain visual and voice contact with the youth at all times.

vi. Bird Dog Training: Mon. after opening day of Mourning Dove Season to the Sun. before opening of Quail Season and Feb. 1 to last day of Feb., EXCEPT restricted to that portion south of LA Hwy. 10 only and EXCEPT blank pistols only. Wild birds only (use of pen-raised birds prohibited).

vii. Bird Dog Training Area: An area has been designated to allow use of released birds for dog training purposes. Open all year EXCEPT CLOSED during either-sex modern firearm hunts for deer, WMA turkey season and opening weekend of the 1<sup>st</sup> segment of dove season. Contact Hammond Office (985-543-4777) for information.

viii. Bird Dog Field Trials: Permit required from Hammond Office.

ix. Horseback Riding: Self-clearing Permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails (see WMA map). Horses and mules are specifically prohibited during turkey and gun season for deer EXCEPT as allowed for bird dog field trials. No horses and mules on green planted areas. Horse-drawn conveyances prohibited.

qq. Sherburne. The area known as the South Farm is located on the East Side of Sherburne WMA. No hunting will be allowed EXCEPT specified lottery hunts, within the levee system of the farm from the Fri. before the 1<sup>st</sup> lottery youth deer hunt on the South Farm until the day after the last lottery duck hunt on the South Farm. Waterfowl hunting will be allowed by lottery only during the open regular duck hunting season. Hunting will be allowed in the wooded portions east of the waterfowl impoundments. Consult the WMA maps for exact locations. No hunting allowed within the levee system of the farm. Area Closed: Last Sat. of Oct. for 2 days EXCEPT to Youth and Physically Challenged Deer Hunters and South Farm closed to all hunters EXCEPT youth lottery deer hunters. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lafayette or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons as listed below. Physically Challenged Wheelchair Confined Waterfowl Hunting Area: Access restricted. Call Lafayette or Baton Rouge Offices for further details. Hunting by reservation for wheelchair confined PCHP permittees only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, ALL OTHER SEASONS CLOSED. Self-Clearing Permit.

(c). Youth Lottery: Last Sat. and Sun. of Oct., 4<sup>th</sup> Mon. of Dec., and 1<sup>st</sup> and 2<sup>nd</sup> Sun. of Jan. EXCEPT no hunt on Christmas Day or Christmas Eve, either-sex. Contact Lafayette office, 337-262-2080 for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days Mandatory Deer Check and Sun. after Thanksgiving, Self-Clearing Permit, and 2<sup>nd</sup> Fri. after Thanksgiving for 10 days, Self-Clearing Permit.

(e). Firearms Bucks Only: 4<sup>th</sup> Sat. of Dec. for 16 days.

(f). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey: Mon. after 3<sup>rd</sup> Sat. of April for 3 days.

(a). General Lottery: 3<sup>rd</sup> Sat. of April for 2 days.

(b). Youth Lottery: 2<sup>nd</sup> Sat. in April

iii. Small Game: Same as outside EXCEPT CLOSED during Firearms Either-Sex Deer and EXCEPT spring squirrel season will be open the 1<sup>st</sup> Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

(b). On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1<sup>st</sup> Sat. of Oct.-Oct. 31, and Mon. after close of 2<sup>nd</sup> firearms either-sex deer season for 9 days, except

closed last Sat. of Oct. for 2 days, and training of beagles for rabbit and dogs for squirrel allowed June 1 – August 31.

iv. Waterfowl, Snipe, Rail, & Gallinules: Same as outside EXCEPT CLOSED during Firearms Either-Sex Deer and EXCEPT hunting after 2 p.m. prohibited EXCEPT no hunting in Waterfowl Refuge. That portion of Sherburne WMA known as the South Farm restricted to Lottery hunts only. South Farm waterfowl hunting limited to one hunt per calendar week per person. All other hunting closed on South Farm complex from the Friday before Youth Lottery Deer Hunt until the day after the last Waterfowl hunt on the South Farm. Contact the Wildlife Field Office for details and description of “South Farm.”

(a). Youth Waterfowl Lottery: Contact Lafayette Office for details and applications.

(b). Disabled Veterans Waterfowl Lottery: Contact Lafayette Office for details and applications.

v. Quail: CLOSED

vi. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfish: March 15-July 31, Recreational crawfishing only. Crawfish harvest limited to 100 pounds per person per day. No traps or nets left overnight. No motorized water craft allowed on farm complexes. Retriever training allowed on selected portions of the WMA. Contact the Wildlife Field office for specific details.

viii. Vehicular traffic prohibited on East Atchafalaya River levee within Sherburne WMA boundaries.

ix. Rifle and Pistol/Handgun Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office, telephone 225-765-2931. No trespassing in restricted areas behind ranges.

NOTE: Atchafalaya National Wildlife Refuge and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

x. Bird Dog Training Area: Open to bird dog training all year EXCEPT CLOSED during either-sex modern firearm hunts for deer, WMA turkey season, and opening weekend of 1<sup>st</sup> and 2<sup>nd</sup> segments of dove season.

rr. Soda Lake. Bicycles allowed. Vehicle parking allowed only in designated parking area on LA 173 at Twelve Mile Bayou and LA 169 adjacent to levee. All trapping and hunting prohibited EXCEPT:

i. Deer

(a). Archery Only, Oct. 1-Jan. 31, either-sex.

ii. Small Game: Portion West of Twelve Mile Bayou same as outside, falconry only and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, Falconry only. Portion east of Twelve Mile Bayou open same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs.

ss. Spring Bayou. Area Closed: Last Sat. of Oct. for 2 days to all EXCEPT Youth Deer Hunters. No hunting allowed in Headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and Regulations posted at campsite. A fee is assessed for use of this campsite. Water skiing permitted only in Old River and Grand Lac.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 4<sup>th</sup> Sat. of Dec. for 16 days.

(e). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey

(a). Youth Lottery: 4<sup>th</sup> Sat. of April for 2 days.

iii. Small Game & Waterfowl: Same as outside EXCEPT small game CLOSED during either-sex firearms hunts for deer. Waterfowl to remain open during either-sex firearms hunts for deer. Open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Gill nets and trammel nets 3.5 inches and greater permitted Monday through Friday EXCEPT slat traps and hoop nets permitted any day. The take and possession of grass carp is prohibited. Permits available from area supervisor or Lafayette Wildlife Field Office. CLOSED until after 2 p.m. during waterfowl season.

vi. Sport Fishing: Same as outside EXCEPT only allowed after 2 p.m. during waterfowl season, EXCEPT during early TEAL SEASON, recreational fishing allowed after 10 a.m.

vii. Crawfish: March 15-July 31. Recreational only, 100 lbs. per person per day.

tt. Tangipahoa Parish School Board. Self-Clearing Permits required for all activities. No horseback riding during gun season for deer or turkey. ATVs are not allowed except as otherwise specified.

i. Deer: Same as outside.

ii. Turkey: Same as outside.

iii. Small Game & Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

uu. Thistlethwaite. Restricted Area: Small game hunting allowed with shotgun only loaded with shot no larger than BB lead or F steel. Deer hunting allowed by archery only. Area Closed: Last Sat. of Oct. for 2 days, EXCEPT to Youth Deer Hunters. All motorized vehicles restricted to improved roads only. All users must enter and leave through Main Gate only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth Deer Hunt: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, 1<sup>st</sup> Saturday of Dec. for 9 days, and 4<sup>th</sup> Saturday of Dec. for 2 days.

(d). Firearms Bucks Only: Monday after the last Either-Sex Firearm hunt in Dec. for 14 days.

(e). Primitive Firearms: 2<sup>nd</sup> Saturday in November for 2 days and Monday after close of Firearms Bucks Only for 7 days.

ii. Small Game & Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting February 1-28.

vv. Tunica Hills. Area Closed Sat. before opening day of statewide turkey season except youth turkey hunters and all weekends in April except turkey hunters. Area Closed: 1<sup>st</sup> Sat. of Nov. for 2 days to all EXCEPT Youth Deer Hunters. Camping limited to tents only in designated areas.

i. Deer

(a). Archery: Oct. 1-15, bucks only, Oct. 16-Jan. 31, either sex.

(b). Youth Hunt: 1<sup>st</sup> Sat. of Nov. for 2 days, either-sex.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit, either-sex, 2<sup>nd</sup> Sat. of Dec. for 9 days, EXCEPT when there are 5 Sats. in Dec. then it will open on the 3<sup>rd</sup> Sat. of Dec., the initial Sat. and Sun. either-sex and mandatory deer check, the remaining 7 days bucks only, self-clearing permit.

ii. Turkey: Mon. after 3<sup>rd</sup> Sat. of April for 7 days.

(a). General Lottery: Opening day of statewide season for 2 days, 2<sup>nd</sup> Sat. of April for 2 days, 3<sup>rd</sup> Sat. of April for 2 days.

(b). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during Youth Deer Hunt and Primitive Firearms Deer Hunt and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs, South Tract only. Beagles allowed for rabbits and dogs allowed for squirrel hunting 3<sup>rd</sup> Saturday of Oct. for 7 days and Feb. 1 to last day of Feb. on South Tract only. On that portion designated as Small Game Emphasis Area (South Tract Only), training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): Feb. 1 to last day of Feb. on South Tract only.

ww. Walnut Hill.

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1<sup>st</sup> Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1<sup>st</sup> Sat. of Jan. to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1<sup>st</sup> Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: 2<sup>nd</sup> Sat. of Sept. for 16 days and 1<sup>st</sup> Sat. of Jan. to the last day of Feb.

xx. West Bay. Area Closed: Next to last Sat. of Oct. for 2 days to all EXCEPT Youth and Physically Challenged Deer Hunters. Limited USE Area: Small game same as outside EXCEPT shotgun only and deer hunting - Archery only. See WMA map for specific location.

i. Deer

(a). Archery: 3<sup>rd</sup> Sat. of Sept. to Jan. 15, either-sex.

(b). Youth & Physically Challenged: Next to last Sat. of Oct. for 2 days, either-sex, for physically challenged and youth hunters only.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days Mandatory Deer Check and Fri. after Thanksgiving Day for 3 days, Self-Clearing.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2<sup>nd</sup> Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1<sup>st</sup> either-sex firearms weekend for 7 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days, 2<sup>nd</sup> Sat. of April for 2 days, 3<sup>rd</sup> Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game & Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunts and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season closes to last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to last day of Feb.

18. Other Areas

a. Camp Avondale Scout Reservation

i. Deer

(a). Firearms Either-sex: 2<sup>nd</sup> Sat. in November for 3 days. Restricted to scout program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018), LR 45:938 (July 2019), LR 46:

**§113. General and WMA Turkey Hunting Regulations**

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited; still hunting only. Use of dogs,

electronic calling devices, motorized decoys and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead, #2 non-toxic, or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

#### B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the kill, the hunter must report the kill. Hunters may report turkeys by calling the validation phone number or using the validation website.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must

remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M.g. osceola*, *M.g. intermedia*, *M.g. merriami*, *M.g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of two.

E. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

#### F. Turkey Hunting Area Descriptions

##### 1. Area A

a. All of the following parishes are open:

- i. Beauregard;
- ii. Bienville;
- iii. Bossier;
- iv. Claiborne;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- v. East Baton Rouge;
- vi. East Feliciana;
- vii. Grant;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates;

- viii. Jackson;
- ix. LaSalle;
- x. Lincoln;
- xi. Livingston;
- xii. Natchitoches;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

- xiii. Sabine;
- xiv. St. Helena;
- xv. Tangipahoa;
- xvi. Union;
- xvii. Vernon;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

- xviii. Webster
- xix. West Feliciana (including Racourci Island);



xx. Winn.

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 east of Kinder, west of US 165 south of Kinder;

ii. Calcasieu—north of I-10;

iii. Caldwell—west of Ouachita River southward to Catahoula Parish line;

iv. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line, also that portion lying east of LA 15;

v. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;

vi. Franklin—that portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

vii. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

viii. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

ix. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

x. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;

xi. Rapides—all west of Red River and north of LA 28 east from Pineville, LA east to LaSalle Parish line

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

xii. Richland—that portion south of US 80 and east of LA 17;

xiii. Tensas—that portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry; also all lands east of the main channel of the Mississippi River.

2. Area B

a. All of the following parishes are open:

i. DeSoto;

ii. Red River;

iii. St. Tammany;

iv. Washington.

b. Portions of the following parishes are open:

i. Caddo—all except that portion north of I-20 from the Texas state line to I-220, west of I-220 to LA 1, west of LA 1 to Caddo Lake, south of Caddo Lake to the Texas state line;

ii. East Carroll—east of US 65 from Arkansas state line to Madison Parish line;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

3. Area C

a. All of the following parishes are open:

i. Ascension;

ii. Concordia;

iii. Iberville;

iv. Pointe Coupee;

EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

v. West Baton Rouge.

b. Portions of the following parishes are open:

i. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the west Atchafalaya Basin protection levee southward;

ii. Caldwell—all east of the Ouachita River;

iii. Catahoula—all of the parish except for that portion located in area A;

iv. Franklin—west of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

v. Iberia—east of the west Atchafalaya Basin protection levee;

vi. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;

vii. St. Landry—that portion bounded on the west by the west Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River;

Exception: the Indian Bayou area; see federal lands hunting schedule for Indian Bayou area dates.

viii. Tensas—east and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry;

ix. Upper St. Martin—all within the Atchafalaya Basin; in addition, that area bounded on the North by LA 352; on the West by LA 349, to LA 3039, to LA 347, to the Catahoula Hwy. (LA 96), to LA 679, to LA 345; and on the south by LA 3242;

EXCEPTIONS: Sherburne WMA and Indian Bayou area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see federal lands hunting schedule for Indian Bayou dates.

4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne. All turkeys taken must be checked at the WMA headquarters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017), LR 44:1303 (July 2018), LR 45:964 (July 2019), LR 46:

#### **§115. Turkey Hunting Areas, Seasons, and Bag Limits**

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. Turkey season will open on the first Saturday in April. The area A turkey season will be 30 consecutive days in length, the area B turkey season will be 23 consecutive days in length, and the area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers

land may vary from this framework. On those years when the first Saturday in April falls the day before Easter, then the season will open the Friday before the first Saturday in April.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season. On those years when the weekend prior to the start of regular turkey seasons falls on Easter weekend, then the youth and physically challenged season will open on Good Friday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:1129 (July 2016), LR 43:1426 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:

#### **§117. Migratory Bird Seasons, Regulations, and Bag Limits**

##### **A. Seasons and Bag Limits**

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 5-Sept. 13 Oct. 10-Nov. 15 Dec. 19-Jan. 31 North Zone: Sept. 5-Sept. 27 Oct. 10-Nov. 15 Dec. 26-Jan. 24	15 (in aggregate)	45 (in aggregate)
Woodcock	Dec. 18-Jan. 31	3	9
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 12-Sept. 27	6	18
King and Clapper Rails	Sept. 12-Sept. 27 Nov. 14-Jan. 6	15 (in aggregate)	45 (in aggregate)
Sora and Virginia Rails	Sept. 12-Sept. 27 Nov. 14-Jan. 6	25 (in aggregate)	75 (in aggregate)
Gallinules	Sept. 12-Sept. 27 Nov. 14-Jan. 6	15	45
Snipe	Coastal Zone: Nov. 2-Dec. 6 Dec. 19-Feb. 28 West Zone: Nov. 2-Dec. 6 Dec. 19-Feb. 28 East Zone: Nov. 2-Dec. 6 Dec. 19-Feb. 28	8	24

Species	Season Dates	Daily Bag Limit	Possession Limit
Ducks, Coots and Mergansers	Coastal Zone: Nov. 7-8 (youth only) Nov. 14-Dec. 6 Dec. 19-Jan. 24 Jan. 30-31 (veterans only) West Zone: Nov. 7 (youth only) Nov. 8 (veterans only) Nov. 14-Dec. 6 Dec. 19-Jan. 24 Jan. 30 (youth only) Jan. 31 (veterans only) East Zone: Nov. 14 (youth only) Nov. 15 (veterans only) Nov. 21-Dec. 6 Dec. 19-Jan. 31 Feb. 6 (youth only) Feb. 7 (veterans only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 females), 3 wood ducks, 2 canvasbacks, 2 redheads, 1 mottled duck, 1 black duck and 1 pintail. Only 1 scaup may be taken for the first 15 days of the season with 2 per day allowed for the remainder. Daily bag limit on coots is 15. Mergansers-The daily bag limit for mergansers is 5, only 2 of which may be hooded mergansers, in addition to the daily bag limit for ducks.	Three times the daily bag limit.
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	North Zone: Nov. 7-Dec. 6 Dec. 19-Jan. 31 South Zone: Nov. 14-Dec. 6 Dec. 19-Feb. 7	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 3.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 9.
Canada Geese	North Zone: Nov. 7-Dec. 6 Dec. 19-Jan. 31 South Zone: Nov. 14-Dec. 6 Dec. 19-Feb. 7	1	3

#### B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	North Zone: Dec. 7-Dec. 18 Feb. 1-March 7 South Zone: Dec. 7-Dec. 18 Feb. 8-March 7	No daily bag limit.	No possession limit.

#### C. Extended Falconry Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	Sept. 15-Oct. 1	Falconry daily bag and possession limit for all permitted migratory game birds must not exceed 3 and 9 birds, respectively, singly or in aggregate, during the extended falconry seasons and regular hunting seasons.
Woodcock	Nov. 2-Jan. 31	
Rails and Gallinule	Nov. 5-Jan. 31	
Ducks	Nov. 5-Jan. 31	

#### D. Dove Hunting Regulations

1. Shooting hours one-half hour before sunrise to sunset except on opening day of the first split on wildlife management areas and on fields leased through the LDWF experimental dove field leasing program, where hunting will be from 12 p.m. to sunset, except for Elbow Slough Wildlife Management Area which will be open one-half hour before sunrise to 12 p.m. (noon) on opening weekend of first split.

2. There is no bag limit on Eurasian collared-doves or Ringed Turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian collared-doves and ringed turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

3. The following boundary divides the dove season zones: beginning at the Texas-Louisiana border on LA Hwy. 12; thence east along LA Hwy 12 to its intersection with

U.S. Hwy 190; thence east along U.S. Hwy 190 to its intersection with I-12; thence east along I-12 to its intersection with I-10; then east along I-10 to the Mississippi state line.

E. Snipe Hunting Regulations. Shooting hours one-half hour before sunrise to sunset, except at the Spanish Lake recreation area in Iberia Parish where shooting hours, including the conservation end at 2 p.m.

F. Conservation Order for light geese. Only snow, blue, and Ross' geese may be taken under the terms of the conservation order. Electronic calls and unplugged shotguns allowed. No daily bag or possession limit. Shooting hours one-half hour before sunrise until one-half hour after sunset.

G. Canada Goose Season Closure. The Canada goose season will be open statewide except for a portion of southwest Louisiana described as follows: beginning at the Texas State Line, proceeding east along LA Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82. Open waters of Lake Arthur and the Mermentau River, from the Hwy 14 bridge southward, will also be closed.

H. Statewide Youth Waterfowl Season Regulations. Only youths 17 years of age or younger may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1130 (July 2016), amended LR 43:1427 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

#### **Family Impact Statement**

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

#### **Poverty Impact Statement**

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

#### **Provider Impact Statement**

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

#### **Small Business Analysis**

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

#### **Public Comments**

Interested persons may submit written comments relative to the proposed Rule until Thursday, March 5, 2020 to Tommy Tuma, Wildlife Division, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to ttuma@wlf.la.gov.

Alfred R. Sunseri  
Chairman

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: 2020-2022 General and Wildlife Management Hunting Seasons and Regulations**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There is no impact on expenditures of the Department of Wildlife and Fisheries associated with the adoption of the proposed rules establishing hunting regulations and hunting seasons throughout the state and in certain Wildlife Management Areas for the 2020-2021 season.

The new hunting rules and regulations for the 2020-2021 season clarify closing dates of certain hunting seasons; establish new regulations for certain WMAs; restrict the type of shot allowed on LDWF shooting ranges; change the hunting areas in certain parishes; increase hunting seasons for certain game and decrease hunting seasons for others; increase youth hunting opportunities; allow for recreational crawfish harvesting in certain areas; add regulations regarding types of firearms to be used for certain game; prohibit waterfowl hunting during episodes of high water in certain WMAs; and prohibit fishing during certain hours in certain WMAs during teal season.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change is anticipated to have no impact on revenue collections of the state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change may have minimal economic impact on persons and non-governmental entities.

The proposed rule change may impose additional costs on certain shooters who utilize LDWF shooting ranges by requiring them to use non-toxic shot in shotgun shells in place of less expensive lead shot.

The proposed rule change is expected to result in an increase in the benefits accruing to hunters who hunt in certain parishes; young turkey hunters, primitive firearms-using and modern firearms-using deer hunters, physically and visually impaired hunters, deer hunters, dove hunters, and recreational crawfish harvesters in certain WMAs.

The proposed rule change is expected to result in a decrease in the benefits accruing to hunters who pursue turkeys on

certain WMAs and parishes; afternoon dove hunters during opening weekend in certain WMAs; morning fishers during teal season on certain WMAs; and hunters during occasions of high water on portions of the Pearl River WMA.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Bryan McClinton  
Undersecretary  
2001#054

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Deer Management Assistant Program (DMAP)  
(LAC 76:V.111)**

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the rules and regulations for participation in the Deer Management Assistance Program (DMAP). The amendment will add an extra 10 days for squirrel hunting if requested by DMAP level 1 cooperators.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part V. Wild Quadrupeds and Wild Birds**

**Chapter 1. Wild Quadrupeds**

**§111. Rules and Regulations for Participation in the  
Deer Management Assistance Program**

A. The following rules and regulations shall govern the Deer Management Assistance Program.

**1. Application Procedure**

a. - j. ...

k. The department may grant season extensions to hunt deer with any legal weapon, up to either 15 days prior to or after the established season framework for the regular deer area season, if requested by the DMAP level 1 cooperator in order to fulfill property-specific objectives and goals if biological reasons and limitations exist that support such extensions. Additionally, the department may grant season extensions to hunt rabbits and squirrels by any legal means for up to 10 days after the established rabbit and squirrel season framework, if requested by the DMAP level 1 cooperator in order to fulfill property-specific objectives and goals if biological reasons and limitations exist that support such extensions.

A.2. - B.1.b. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:110.1 and R.S. 56:115.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:204 (February 1991), amended LR 25:1656 (September 1999), LR 26:2011 (September 2000), LR 30:2496 (November 2004), LR 34:1427 (July 2008), LR 35:1910 (September 2009), LR 37:2187 (July 2011), repromulgated LR 37:2753 (September 2011), amended LR 39:2292 (August 2013), LR 41:1123 (June 2015), LR 46:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of

the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

**Family Impact Statement**

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

**Poverty Impact Statement**

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

**Provider Impact Statement**

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

Interested persons may submit written comments relative to the proposed Rule until Thursday, March 5, 2020 to Tommy Tuma, Wildlife Division, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to [ttuma@wlf.la.gov](mailto:ttuma@wlf.la.gov).

Alfred R. Sunseri  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Deer Management Assistant Program  
(DMAP)**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE  
OR LOCAL GOVERNMENT UNITS (Summary)**

There is no impact on expenditures of the Department of Wildlife and Fisheries associated with the adoption of the proposed rule granting a ten-day extension of squirrel hunting season on certain properties in the Deer Management Assistance Program ("DMAP") under certain circumstances. The rule further allows the LDWF to grant extensions of additional deer hunting days (up to 15 days either before or after the regular season, but not both) thus codifying the LDWF's current management practice.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

The proposed rule change allowing 10-day extensions to squirrel season will offer additional squirrel hunting opportunities to hunters who have access to Tier 1 DMAP lands.

The change altering the description of the maximum number of allowed additional deer hunting days is not expected to have an effect on hunters with access to Tier 1 DMAP lands.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

The proposed rule change is not anticipated to have a significant effect on competition and employment in the public and private sectors.

Bryan McClinton  
Undersecretary  
2001#051

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

Queen Bess Island Wildlife Refuge  
(LAC 76:VII.339)

The Wildlife and Fisheries Commission does hereby give notice of its intent to adopt regulations for Queen Bess Island Wildlife Refuge.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part III. Game and Fish Preserves and Sanctuaries**

**Chapter 3. Particular Game and Fish Preserves,  
Wildlife Management Areas, Refuges and  
Conservation Areas**

**§339. Queen Bess Island Wildlife Refuge**

A. Visitor regulations for Queen Bess Island Wildlife Refuge:

1. hunting prohibited;
2. access prohibited February 1 through September 30;
3. no disturbance or removal of vegetation or natural debris from island;
4. no fishing between the breakwaters and the island from February 1 through September 30;
5. vehicles will be prohibited;
6. no nighttime activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:109, R.S. 56:109.2, R.S. 56:763 and R.S. 56:781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 46:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

**Family Impact Statement**

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

**Poverty Impact Statement**

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

**Provider Impact Statement**

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

Interested persons may submit written comments relative to the proposed Rule until Thursday, March 5, 2020 to Tommy Tuma, Wildlife Division, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to ttuma@wlf.la.gov.

Alfred R. Sunseri  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Queen Bess Island Wildlife Refuge**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE  
OR LOCAL GOVERNMENT UNITS (Summary)**

There is no impact on expenditures of the Department of Wildlife and Fisheries as a result of the adoption of the proposed rule establishing regulations for visitors to the Queen Bess Island Wildlife Refuge. The proposed changes provide additional protection and advance the goals of a joint restoration project with the Coastal Protection and Restoration Authority (CPRA).

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

The proposed rule change may have some negative effect on anglers who may lose access to the island and nearby waters.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

The proposed rule change is not anticipated to have a significant effect on competition and employment in the public and private sectors.

Bryan McClinton  
Undersecretary  
2001#053

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

Reef Fish—Harvest Regulations  
(LAC 76:VII.335)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.335) modifying existing reef fish harvest regulations. Proposed changes modify the closed season for the recreational harvest of red snapper from October 1 through the Friday

before Palm Sunday of the following year to whenever the season may close in the prior year, or January 1 if not previously closed through the Thursday before Memorial Day. This change will allow the recreational season for the harvest of red snapper to open on the Friday before Memorial Day of each year. The season modification also adds the 4<sup>th</sup> of July as an open date, regardless of which day it falls. Modifications are a result of the implementation of state management of the private recreational red snapper fishery in federal waters. The proposed rule clarifies language related to state management of red snapper and further allows secretarial authority to modify size limits of red snapper under the provisions of NOAA delegated state management of red snapper. Authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), 56:320.2, 56:326.1, and 56:326.3 to the Wildlife and Fisheries Commission.

#### **Title 76**

### **WILDLIFE AND FISHERIES**

#### **Part VII. Fish and Other Aquatic Life**

#### **Chapter 3. Saltwater Sport and Commercial Fishery**

#### **§335. Reef Fish—Harvest Regulations**

A. - G.1. ...

2. Seasons for the recreational harvest of reef fish species or groups listed below shall be closed during the periods listed below.

Species or Group	Closed Season
a. Gag	January 1-June 30 of each year
b. Black, red, yellowfin, and yellowmouth groupers, and scamp	February 1-March 31 of each year in waters seaward of the 20 fathom boundary
c. Red Snapper	From the closure of the season the prior year, or January 1 if the season has not previously closed, through the Thursday before Memorial Day. The open season shall be for weekends only. A <i>weekend</i> is defined as Friday, Saturday and Sunday, with the exception of Memorial Day and Labor Day, when Monday would be classified as a weekend. The 4th of July will be considered an open date, regardless of what day it falls.
d. Greater Amberjack	January 1-April 30, June 1-July 31, and November 1-December 31 of each year.
e. Gray Triggerfish	January 1-end of February of each year and June 1-July 31 of each year.

G.3. - G.4. ...

5. The secretary of the Department of Wildlife and Fisheries is hereby authorized, upon notification to the chairman of the Wildlife and Fisheries Commission, to close, open, re-open or re-close any reef fish season as needed when informed of such by the National Marine Fisheries Service in order to maintain consistency with modifications in the adjacent federal waters, should the federal seasons be modified. The secretary may also modify those portions of this rule pertaining to red snapper recreational daily harvest limits, size limits, and red snapper recreational seasons under the provisions of NOAA delegated state management for the species or if he deems it necessary, following notification of the chairperson of the Wildlife and Fisheries Commission.

H. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.56:6(25)(a), R.S. 56:320.2(C), R.S. 56:326.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138 (June 1998), LR 24:1139 (June 1998), LR 24:1972 (October 1998), LR 26:793 (April 2000), LR 26:1505 (July 2000), LR 26:2833 (December 2000), LR 31:3166 (December 2005), LR 33:1156 (June 2007), repromulgated LR 33:1397 (July 2007), amended LR 34:2209 (October 2008), LR 34:2682 (December 2008), LR 36:1791 (August 2010), LR 38:2383 (September 2012), LR 39:330 (February 2013), LR 40:95 (January 2014), repromulgated LR 40:1116 (June 2014), LR 40:2281 (November 2014), amended by the Department of Wildlife and Fisheries, Office of Fisheries, LR 42:908 (June 2016), repromulgated LR 43:89 (January 2017), LR 44:1458 (August 2018), LR 46:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final Rule and the preparation of reports and correspondence to other agencies of government.

#### **Family Impact Statement**

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

#### **Poverty Impact Statement**

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

#### **Small Business Analysis**

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

#### **Provider Impact Statement**

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

#### **Public Comments**

Interested persons may submit written comments relative to the proposed Rule to Jason Adriance, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or via email to jadriance@wlf.la.gov prior to Thursday, March 5, 2020.

Alfred R. Sunseri  
Chairman

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Reef Fish—Harvest Regulations**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There is no impact on expenditures of the Department of Wildlife and Fisheries as a result of the rule change moving the opening day of recreational red snapper season in Louisiana from the Saturday before Palm Sunday to the Friday before

Memorial Day. The rule also removes a statement that specifies October 1 as the closing date of the recreational red snapper season. The season is closed either on January 1 of the following year or on the date when data indicates that the year's quota has been reached, whichever is earlier.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is expected to have little effect on persons involved in the recreational harvest of red snapper. In recent years, by action of the Louisiana Wildlife and

Fisheries Commission, the opening of red snapper season has actually occurred on the day identified in the proposed rule change (the Friday before Memorial Day) and not on the date identified in regulations (the Saturday before Palm Sunday.) The closing of the season in recent years has occurred when the harvest quota had been reached rather than on October 1.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no effect on competition and employment.

Bryan McClinton  
Undersecretary  
2001#052

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office



# Administrative Code Update

CUMULATIVE: January-December 2019

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:	
			Month	LR 45 Page #				Month	LR 45 Page #
4	III.1124	Adopted	Aug.	1069	28	XCVII.505	Amended	Oct.	1463
	VII.105,107,109,111,113,115,117,119	Amended	Sept.	1188		LXXIX.117,303,901,1309,2339	Amended	Aug.	1054
	VII.110,121	Adopted	Sept.	1188		LXXIX.125	Repromulgated	Jan.	38
	VII.123,125,127,128,129,133,139	Amended	Sept.	1188		LXXIX.1301,2109	Amended	Jan.	37
	VII.303,305,307,309,311,313,315,319	Amended	Sept.	1188		LXXIX.1309	Adopted	Jan.	37
	VII.321,331,335,337,343,345	Amended	Sept.	1188		LXXIX.1309	Amended	Dec.	1747
	VII.323,329	Repealed	Sept.	1188		LXXIX.2109,2317	Amended	Oct.	1456
	VII.339,341	Adopted	Sept.	1188		CXIII.309,1505	Amended	Jan.	35
	VII.503,505,507,509,511,513,515,517	Amended	Sept.	1188		CXV.339,349,2305,2307,2317,2361	Amended	Jan.	36
	VII.510,521,523,528,529,533	Adopted	Sept.	1188		CXV.339,1127,2305,2319	Amended	Dec.	1746
	VII.519,525,527,535	Amended	Sept.	1188		CXV.504	Repromulgated	Jan.	38
	VII.902,907,917,919,921,923,937,939	Amended	Nov.	1587		CXV.2317	Amended	Feb.	227
	VII.945,947,949,951,953,955,961,965,967	Amended	Nov.	1587		CXV.2318,2320,2345	Amended	Oct.	1451
	VII.941	Repealed	Nov.	1587		CXV.2901,2903,2905,2909	Repealed	Mar.	396
	VII.969,973,977,987	Amended	Nov.	1587		CXV.3301,3305,3307,3309,3311,3313	Amended	Feb.	225
	VII.990	Adopted	Nov.	1587		CXV.3315,3317	Amended	Feb.	225
						CXXXI.203	Repromulgated	Mar.	402
						CXXXI.203,348,648	Amended	Feb.	227
						CXXXI.203,341,703,705,761,787,1001	Amended	Feb.	228
7	XIII.755	Amended	Sept.	1167		CXXXI.203,305,307,309,311,343,345,346	Amended	Oct.	1458
	XIII.755	Repromulgated	Oct.	1437		CXXXI.240	Repealed	Feb.	228
	XV.127,167	Amended	Oct.	1435		CXXXI.305	Amended	Apr.	525
	XV.171	Adopted	Oct.	1436		CXXXI.305,313,323,803,904	Amended	Dec.	1748
	XV.301,303,321	Amended	Sept.	1167		CXXXI.350,351,417,506,509,601,623,627	Amended	Oct.	1458
	XXI.Chapter 19	Amended	Jan.	31		CXXXI.350,351,713	Adopted	Feb.	228
	XXI.1907,1915,1923,1927,1931	Repealed	Jan.	31		CXXXI.405,659	Amended	Aug.	1055
10	XXI.Chapter 19	Repromulgated	Apr.	504		CXXXI.631,633,645,648,666,705,706,708	Amended	Oct.	1458
						CXXXI.721,723,725,747,753,783	Amended	Oct.	1458
13	I.2903,2904,2905,2911,2913	Amended	Feb.	218	31	CXXXI.705,706,708,709,723,725	Amended	Apr.	525
	I.2915	Adopted	Feb.	218		CXXXI.901-913	Amended	Aug.	1055
17	I.103,107,111	Amended	Dec.	1786		CXXXI.906	Repromulgated	Feb.	234
	I.101,103,105, 107,109,111,113,115,301	Repromulgated	Jul.	912		CXXXI.911	Adopted	Aug.	1055
	I.301	Repealed	Dec.	1786		CXXXIX.107	Amended	Oct.	1451
						CXXXVII.301	Amended	Feb.	48
						CXXXIX.2903	Repromulgated	Jan.	38
22	I.323	Amended	Apr.	580		CXLV.1103,1105	Amended	Feb.	223
	I.325	Amended	May	672		CXLVII.101,307,311,325	Amended	Feb.	48
	I.331	Amended	Jan.	69		CXLVII.315	Amended	Aug.	1054
	I.339	Amended	Dec.	1783		CXLIX.101,301,501,701,901,1301,1501	Amended	Mar.	396
	I.369	Repealed	May	677		CXLIX.903,1101,1703,1905,1907,2101	Adopted	Mar.	396
	III.4301,4501,4505,4507,4509,6101	Amended	May	657		CXLIX.2103,2105,2107	Repealed	Mar.	396
	III.4721,4723,4725	Amended	Aug.	1067		CXLIX.1701,1901,1903	Amended	Mar.	396
	III.4727	Adopted	Aug.	1067		CLVII.303	Amended	Jan.	35
	V.205	Amended	Aug.	1063		CLXI.305,1711	Amended	Apr.	525
	XI.504,701,705,707,1101,1103,1105	Amended	Aug.	1063		CLXI.1805,1819	Amended	Feb.	224
	XI.1109	Repealed	Aug.	1063		CLXI.1806,1823	Adopted	Feb.	224
	XV.Chapter 13, Chapter 15	Amended	Mar.	403		CLXV.319,515	Amended	Dec.	1745
	XV.1308,1318,1360	Adopted	Mar.	403		CLXV.509,511	Amended	Jul.	900
	XV.1321	Repealed	Mar.	403		CLXVII.313,503,509,511,709	Amended	Oct.	1451
28	I.501,503,721,2101,2103,2301,2501,2701,	Amended	Oct.	1433		CLXXII.101,103,105,107,109,111	Repromulgated	Jan.	38
	I.2303,2503,2505,2507,2711,2713,2715	Repealed	Oct.	1433		CLXXII.103,111	Amended	Jul.	900
	I.2703,2705,2707,2709,2719,2723,2725	Amended	Oct.	1433		CLXXII.104	Adopted	Jul.	900
	I.2717,2721,2733,2909,2911,3101	Repealed	Oct.	1433	33	II.303,305,307,309,311	Amended	Dec.	1812
	I.2729,2731,2735,2901,2903,2905,2907	Amended	Oct.	1433		II.313	Repealed	Dec.	1812
	I.2727	Repromulgated	Oct.	1433					
	IV.301,803,1501,1507,1903,2103	Amended	Sept.	1172		III.323	Adopted	Dec.	1758
	IV.1805,1813	Amended	Apr.	530		III.325	Adopted	Dec.	1760
	VI.309,315,715	Amended	Sept.	1177		III.504	Amended	June	750
	IX.Chapter 1 and Chapter 3	Amended	Apr.	528		III.523,537	Amended	Aug.	1061
	XI.301,607	Amended	Oct.	1449		VII.115,713	Amended	Feb.	234
	XI.307,801,803,805	Adopted	Oct.	1449		VII.10415	Amended	May	658
	XI.405,409	Amended	Feb.	221		VII.10415	Repromulgated	June	764
	XI.411	Amended	June	749		VII.10519,10521,10535	Amended	May	660
	XI.605,3501,3503,3505	Amended	Mar.	396		IX.1113	Amended	Sept.	1187
	XI.605	Amended	June	749		IX.1123	Amended	Sept.	1177
	XI.1103	Amended	June	749		IX.2315	Amended	May	661
	XI.911	Amended	Dec.	1744		IX.2601-2619	Adopted	Oct.	1463
	XI.2901	Amended	June	749		XI.307	Amended	May	659
	XI.3501,3503	Amended	Mar.	396		XV.102,501,503,542,547,550,573,575,576	Amended	Dec.	1751
	XI.3507	Adopted	Mar.	396		XV.551	Adopted	Dec.	1751
31	XI.3115,6813	Amended	Dec.	1744	33	XV.579,587,588,590,599	Amended	Dec.	1751
	XLV.303,401,743,747	Amended	Feb.	228		XV.613	Amended	June	751
	XLV.101,103	Amended	Jul.	902		XV.613	Amended	Dec.	1758
	XLV.305,749	Adopted	Jul.	902		XV.763	Amended	Sept.	1178
	XLV.403,409	Amended	Aug.	1061		XV.1501,1502,1503,1504,1505,1508,1510	Amended	Sept.	1178
	XLV.407	Amended	Jul.	904		XV.1509	Repealed	Sept.	1178
	XLV.745	Amended	Dec.	1751		XV.1511,1512,1513,1516,1520,1599	Amended	Sept.	1178
	XCVII.503,505	Amended	Apr.	527		XV.1515	Adopted	Sept.	1178
	XCVII.503	Amended	Sept.	1171					

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			Month	LR 45 Page #				Month	LR 45 Page #
35	I.304	Adopted	Jul.	904		LX.603,605	Amended	Feb.	278
	I.1506	Adopted	Feb.	247		LX.705,801,803,901,1703	Amended	Mar.	436
	III.5713	Amended	Nov.	1593		LX.3105,3309,3315,3317,3319	Amended	Sept.	1203
	V.6336	Amended	Feb.	247		LXI.105,707,709,1101,2701	Amended	Jan.	75
	XIII.11001,11003	Repealed	Nov.	1593		LXI.1107	Adopted	Jan.	75
	XIII.11601,11609,11625	Amended	Nov.	1594		LXI.3107	Repealed	Jan.	75
	XIII.11611,11613,11621	Repealed	Nov.	1594		LXII.1501	Amended	Oct.	1468
						LXVII.2601,2603,2605,2607,2609	Adopted	Mar.	421
37	XI.901	Amended	Jan.	63		LXVII.Chapter 103, Chapter104	Amended	Mar.	419
	XI.2301,2303,2305,2307,2309,2313	Amended	Jan.	63		LXIX.Chapter 1,301,501,503,505,701	Amended	Mar.	422
	XI.2311	Adopted	Jan.	63		LXIX.105	Adopted	Mar.	422
	XIII.560	Repromulgated	Jan.	46		LXXV.Chapter 1,301,501,503,505,512,701	Amended	Feb.	249
	XIII.1907	Amended	Feb.	279		LXXV.119,135	Amended	Mar.	433
	XIII.5501,6101	Repealed	Mar.	439		LXXV.111,113	Adopted	Feb.	26
	XIII.8905,8917	Amended	Dec.	1775		LXXXVI.103,105,Chapter 3,1601	Amended	Apr.	573
	XIII.9001,9003,9009,9011,9013,9015,9017	Amended	Dec.	1776		LXXXVI.160,1602,1603,1604,1605,1606	Repealed	Apr.	573
	XIII.9019,9021	Amended	Dec.	1776		LXXXVI.1607,1608,1609,1610,1611	Repealed	Apr.	573
	XIII.9301,9303,9305,9307,9309,9311,9313	Repealed	Dec.	1777					
	XIII.9315,9317,9319	Repealed	Dec.	1777					
	XIII.14101,14111,14115,14117,14119	Amended	Sept.	1207		48 I.4001	Amended	Nov.	1597
	XIII.14101,14111,14115,14117,14119,14120	Amended	Sept.	1207		I.8801,8803,8805	Adopted	Jan.	45
	XIII.14120	Repromulgated	Dec.	1778		I.9201,9202,9231,9243,9245,9249	Amended	May	662
	XIII.15301,15303,15305,15307,15309	Adopted	Sept.	1207		I.9273, 9275,9285	Amended	May	662
	XIII.15311,15313	Amended	Dec.	1779		I.9301,9303,9377,9379,9383	Amended	Oct.	1474
	XIII.16101,16103,16105	Amended	Dec.	1779		I.Chapter 96	Amended	Apr.	549
	XIII.16301,16303,16305,16307,16309	Adopted	Sept.	1208		I.19201	Adopted	Jul.	911
	XIII.16311,16313,16315,16317,16319	Adopted	Aug.	1081		I.19707	Amended	Mar.	436
	XIII.11701,11703,11705,11707,11709	Adopted	Aug.	1081		I.19707	Repromulgated	Apr.	573
	XIII.11711,11713,11715	Amended	June	759		I.Chapter 161	Amended	Apr.	558
42	III.2108	Amended	June	759	50	I.16115	Amended	Dec.	1775
	III.2115,2325	Repromulgated	June	759		I.503	Amended	Mar.	436
	III.2401	Adopted	June	759		I.1505	Adopted	Feb.	273
	III.3305	Adopted	June	759		I.3509	Adopted	Dec.	1771
						II.20013	Amended	Feb.	274
43	III.3305	Amended	Apr.	581		II.20023	Amended	Feb.	275
			May	677		II.20024	Adopted	Feb.	275
			Apr.	581		II.20026	Adopted	June	756
	XIII.301,303,305,307,315,317,321,323	Adopted	Apr.	581		II.20026	Repromulgated	Jul.	908
	XIII.327	Amended	Jan.	66		III.2329,2523	Adopted	Jan.	44
	XIII.503,507	Repealed	Jan.	66		III.10703,10705	Amended	Dec.	1772
	XIII.512	Amended	Jan.	66		V.551,953,955,959,961,967	Amended	Dec.	1770
	XIX.104	Adopted	Jan.	66		V.553	Adopted	Dec.	1770
	XIX.501,507,519	Amended	Apr.	579		V.954	Amended	Nov.	1599
	XIX.533	Amended	Nov.	1600		V.2503	Amended	Dec.	1762
46	XIX.701,703,707	Repromulgated	Jan.	65		V.2719	Amended	Dec.	1762
	XIX.Chapter 8	Adopted	Nov.	1599		V.5313,5317,5319,5513,5517,5519,5713	Adopted	Dec.	1772
	XXXI.201,203,205,207,209,211,213	Adopted	Apr.	575		V.5719,5913,5917,5919,6115,6119,6127	Amended	Dec.	1772
			Nov.	1580		V.6105	Repealed	Sept.	1203
	I.1101,1105,1301	Adopted	Nov.	1580		VII.32915,32969	Amended	Feb.	273
	I.1315	Adopted	Oct.	1467		VII.32969	Amended	Mar.	435
	I.1901	Amended	June	752		XI.10703	Amended	Mar.	434
	XI.Chapter 1,Chapter 3	Adopted	Feb.	236		XI.16703	Amended	Mar.	435
	XI.Chapter 5	Amended	Apr.	545		XV.703	Amended	Nov.	1597
	XI.503,505,507,509,513,515,517,525,527,	Adopted	Apr.	545		XV.Chapter 73	Amended	Jul.	905
	XI.529,531,533	Adopted	Apr.	545		XV.9501,9503,9505	Amended	Apr.	561
	XI.139,147,153,155,305	Adopted	Feb.	236		XV.9511,9515,9521,9523,9525	Adopted	Apr.	561
	XI.102,301,331,333,335,345	Repealed	Feb.	236		XV.9531,9533,9535	Adopted	Apr.	561
	XXXI.310,710	Adopted	Feb.	236		XIX.4501	Repealed	Sept.	1203
	XXXI.Chapter 3,501,505, Chapter 7	Adopted	Apr.	542		XXI.901,903	Amended	Aug.	1080
	XXXI.1707,1709,1711	Amended	Apr.	542		XXI.904	Adopted	Aug.	1080
46	XXXIII.1503	Amended	Dec.	1761		XXI.8105	Amended	June	756
	XXXIII.1607,1615	Amended	Dec.	1762		XXI.13701,13703,13705	Amended	Jan.	42
	XLV.261,263,265, Chapter 38, Chapter 60	Adopted	Aug.	1070		XXI.13933	Adopted	Jan.	42
	XLV.405,411	Amended	Oct.	1469		XXI.14301	Amended	Jan.	42
	XLV.Chapter 15	Amended	Apr.	549		XXI.16101,16103,16105,16107,16109	Amended	Dec.	1763
	XLV.1519	Adopted	Apr.	549		XXI.16104,16345	Adopted	Dec.	1763
	XLV.Chapter 21	Amended	Apr.	549		XXI.16303,16305,16307,16313,16319	Amended	Dec.	1763
	XLV.2130,2149,2151,2153,2155,2157	Adopted	Apr.	549		XXI.16323, 16327,16329,16335,16337	Amended	Dec.	1763
	XLV.2159,2161	Adopted	Apr.	549		XXI.16343,16901	Amended	Dec.	1763
	XLV.4506,4507	Amended	Apr.	549		XXII.6101,6301,6501,6503,6701,6703	Adopted	Feb.	271
	XLV.5105,5106,5107,5111	Amended	Apr.	549		XXII.6901,6903	Adopted	Feb.	271
	XLV.7505	Amended	Aug.	1080		XXVII.331	Amended	Nov.	1597
	XLV.7705,7707,7709,7717,7721, 7729	Amended	Oct.	1471		XXIX.105	Amended	May	665
	XLVII.1703,1715	Amended	Mar.	432		XXIX.Chapter 9	Amended	Apr.	570
	XLVII.3324	Amended	Jul.	910		XXIX.949	Amended	May	665
	XLVII.3341	Amended	Jul.	909		XXIX.1101	Amended	Jul.	909
	XLVII.3405	Amended	Feb.	248		XXXIII.Chapter 41	Amended	Apr.	570
	XLVII.3415	Amended	Jan.	41		XXXIII.4703	Amended	Apr.	561
	XLVII.4507,4513	Amended	Sept.	1201		XXXIII.14101,14301,14303,14501	Amended	Feb.	270
	XLVII.4516	Adopted	Sept.	1201		XXXIII.14101,14301,14303,14501	Repealed	Apr.	561
	LIII.2441,2443,2457	Amended	Oct.	1473					
	LIII.2901	Amended	Jan.	42					
	LIV.123,311,337,339,501	Amended	Sept.	1205		51 II.101,105,107,701	Amended	May	666
	LX.401,403,405,407,409	Adopted	Feb.	275		III.103,105,107,111	Amended	May	666
	LX.503	Amended	June	757					
	LX.505	Adopted	Mar.	437		52 I.1703	Amended	Jul.	868

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			Month	LR 45 Page #				Month	LR 45 Page #
<b>55</b>	I.583	Amended	Dec.	1809	<b>72</b>	I.205	Adopted	May	651
	I.801,802	Adopted	Apr.	582		III.1201,1203,1205,1207,1209,1249,1257	Amended	Oct.	1438
	I.801,802	Repromulgated	Jul.	912		III.1503,1935,1957,1987,1991,2005,5301	Amended	Oct.	1438
	I.901	Adopted	Apr.	584		III.1968	Adopted	Oct.	1438
	I.Chapter 13	Repromulgated	Apr.	582		III.5305,5323,5329,5347,5383	Amended	Oct.	1438
	I.1309	Repromulgated	May	680		V.1103,1105,1111	Amended	Feb.	217
	I.1505,1509,1531	Amended	Feb.	281		V.1103,1111	Amended	Aug.	1053
	I.1505,1509,1531	Amended	Apr.	582		V.Chapter 73	Adopted	Mar.	352
	I.1907	Amended	Nov.	1604		V.3903	Adopted	Apr.	508
	III.143,145,147,148,151,153,157,159	Amended	Nov.	1602		V.4101	Amended	Sept.	1168
	III.2101,2103,2105,2107,2109	Adopted	Feb.	279		V.6955,6957,6959,6961	Amended	Apr.	508
	III.2301,2303,2305,2307,2309	Repromulgated	May	678		V.6962	Adopted	Apr.	508
	V.1901,1905	Amended	Nov.	1605		V.6703,6708,6710	Amended	Apr.	508
	V.1902,1904	Adopted	Nov.	1605		V.6712	Adopted	Apr.	508
	VII.401	Adopted	Jan.	74		V.7105,7107,7109,7011	Amended	Apr.	508
	VII.403	Adopted	Jan.	75		V.7112	Adopted	Apr.	508
	VII.420	Adopted	Aug.	1083		V.7505,7507,7511	Amended	May	651
	XXV.101,103,105,107,109	Adopted	Jan.	72		V.7508	Adopted	May	651
<b>56</b>	V.1107	Amended	Nov.	1580	<b>76</b>	I.105	Adopted	Mar.	440
<b>58</b>	III.103	Adopted	June	762	<b>76</b>	V.119	Amended	Jul.	933
	III.2101	Adopted	June	761		VIII.198	Amended	Dec.	1814
	VII.409	Adopted	Aug.	1083		VII.346	Amended	Jan.	79
	XVII.103	Amended	Sept.	1209		VII.367	Amended	Jan.	78
	XVII.303	Adopted	Sept.	1209		VII.367	Amended	Dec.	1814
<b>61</b>	I.1915	Amended	Dec.	1811		VII.511	Amended	June	763
	I.4914	Adopted	Nov.	1606		VII.511	Repromulgated	Feb.	281
	I.Chapters 61-69	Repromulgated	Jul.	868		XI.501	Adopted	Jan.	80
	III.1533,1534	Adopted	Jul.	932		XIII.101	Amended	Oct.	1477
	III.1535,1536	Adopted	Dec.	1810		XIII.103,105,107	Adopted	Oct.	1477
	III.2501	Amended	Dec.	1809		XIX.101,103,111,113,115,117	Amended	Jul.	933
	III.2507	Adopted	Dec.	1809					
<b>61</b>	V.101,113,303,304,307,703,907,1103, V.1307,1503,2503,Chapter 31, 3501	Amended	Apr.	531					
<b>67</b>	I.203	Amended	Feb.	217					

# Potpourri

## POTPOURRI

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Structural Pest Control Commission

#### Approved Termiticides and Manufacturers

The Louisiana Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, hereby gives notice of the list of termiticides and manufacturers that have been approved by the Structural Pest Control Commission for use in Louisiana.

Approved Termiticides and Manufacturers			
Product	EPA Reg. No.	Percentage	Manufacturer
Altriset (Chlorantraniliprole)	100-1503	0.05% - 0.10%	Syngenta
Baseline (Bifenthrin)	279-3177	0.06% - 0.12%	FMC
Bifen XTS (Bifenthrin)	53883-189	0.06% - 0.12%	Control Solutions
Bifen IT (Bifenthrin)	53883-118	0.06% - 0.12%	Control Solutions
Bora-Care (Disodium Octaborate Tetrahydrate)	83465-1-64405	23%	Nisus
Borathor (Disodium Octaborate Tetrahydrate)	81824-8	5.0% - 15.0%	Ensystex II, Inc.
Centerfire 75 WSP (Imidacloprid)	432-1332	0.05% - 0.10%	Bayer
Cyper TC (Cypermethrin)	53883-92	0.25% - 1.00%	Control Solutions
Demon MAX (Cypermethrin)	100-1218	0.25% - 1.00%	Syngenta
Dominion PT (Imidacloprid)	53883-237	0.05% - 0.10%	Control Solutions
Dominion 2L (Imidacloprid)	53883-229	0.05% - 0.10%	Control Solutions
Dragnet SFR (Permethrin)	279-3062	0.05% - 2.0%	FMC
Fuse (Imidacloprid / Fipronil)	53883-328	0.067% - 0.13%	Control Solutions
Fuse Foam (Fipronil/Imidacloprid)	53883-462	0.005% & 0.025%	Control Solutions
MasterLine Bifenthrin 7.9 (Bifenthrin)	73748-7	0.06% - 0.12%	Univar
MasterLine B MaxxPro (Bifenthrin)	279-3206-73748	0.06% - 0.12%	Univar
MasterLine I MaxxDual (Imidacloprid)	432-1600-73748	.005% - 0.10%	Univar
MasterLine I MaxxPro WSP (Imidacloprid)	73748-8	0.05% - 0.10%	Univar
MasterLine I MaxxPro 2F (Imidacloprid)	73748-9	0.05% - 0.10%	Univar
Maxxthor SC (Bifenthrin)	81824-5	0.06% - 0.12%	Ensystex II, Inc.
Navigator SC (Fipronil)	93182-23	0.06% - 0.125%	Gharda Chemicals International
Permethrin SFR (Permethrin)	70506-6-53883	0.50% - 2.00%	Control Solutions

Approved Termiticides and Manufacturers			
Product	EPA Reg. No.	Percentage	Manufacturer
Phantom (Chlorfenapyr)	241-392	0.063% - 0.25%	BASF
Prelude (Permethrin)	5481-550	0.50% - 2.00%	AMVAC
Premise 75 WSP (Imidacloprid)	432-1332	0.05% - 0.10%	Bayer
Premise 2 (Imidacloprid)	432-1331	0.05% - 0.10%	Bayer
Premise Foam (Imidacloprid)	432-1391	0.05%	Bayer
Premise Pre-Construction (Imidacloprid)	432-1331	0.05% - 0.10%	Bayer
Premise Pro (Imidacloprid)	432-1449	0.05% - 0.10%	Bayer
Prothor WSP (Imidacloprid)	82957-2	0.05% - 0.10%	Ensystex III, Inc.
Talstar P (Bifenthrin)	279-3206	0.06% - 0.12%	FMC
Taurus SC (Fipronil)	53883-279	0.06% - 0.125%	Control Solutions
Tengard SFR (Permethrin)	70506-6	0.50% - 2.00%	United Phosphorus
Termidor Dry (Fipronil)	499-546	0.5%	BASF
Termidor Foam (Fipronil)	499-563	0.005%	BASF
Termidor HE (Fipronil)	7969-329	0.06% - 0.125%	BASF
Termidor HP (Fipronil)	7969-354	0.06% - 0.125%	BASF
Termidor HP II (Fipronil)	7969-400	0.125%	BASF
Termidor SC (Fipronil)	7969-210	0.06% - 0.125%	BASF
Termidor 80WG (Fipronil)	7969-209	0.06% - 0.125%	BASF
Totality (Bifenthrin)	279-3281	0.6%	FMC
Transport (Acetamiprid)(Bifenthrin)	8033-96-279	0.11%	FMC
Transport Mikron Insecticide (Acetamiprid / Bifenthrin)	8033-109-279	0.054% - 0.11%	FMC
UP-Cyde Pro 2.0 EC (Cypermethrin)	70506-19	0.25% - 1.0%	United Phosphorus
Wisdom TC Flowable (Bifenthrin)	5481-520	0.06% - 0.12%	AMVAC

Baits		
Product	EPA Reg. No.	Manufacturer
Advance Compressed Termite Bait II (Diflubenzuron)	499-500	BASF
Isophor Termite Bait (Diflubenzuron)	68850-2	Ensystex, Inc.
Labyrinth (Diflubenzuron)	68850-2	Ensystex, Inc.
Labyrinth AC (Diflubenzuron)	68850-2	Ensystex, Inc.
Recruit AG FlexPack (Noviflumuron)	62719-652	Dow AgroSciences
Recruit IV (Noviflumuron)	62719-453	Dow AgroSciences
Recruit IV AG (Noviflumuron)	62719-454	Dow AgroSciences
Recruit HD (Noviflumuron)	62719-608	Dow AgroSciences

Baits		
Product	EPA Reg. No.	Manufacturer
Shatter (Hexaflumuron)	62719-272	Dow AgroSciences
Trelona Compressed Termite Bait (Novaluron)	499-557	BASF
Trelona ATBS Annual Bait Stations	499-557	BASF
Trelona ATBS Direct Bait Kit (Novaluron)	499-557	BASF
Trelona ATBS Direct Bait Stations (Novaluron)	499-557	BASF
Trelona ATBS Home Monitoring Kit (Novaluron)	499-557	BASF

Mike Strain, DVM  
Commissioner

2001#060

### POTPOURRI

#### Department of Children and Family Services Division of Family Support Economic Stability Section

##### Temporary Assistance for Needy Families (TANF) Caseload Reduction

The Department of Children and Family Services, hereby gives notice that, in accordance with federal regulations at 45 CFR 261.40, the Temporary Assistance for Needy Families (TANF) Caseload Reduction Report for Louisiana is now available to the public for review and comment.

In order to receive a caseload reduction credit for minimum participation rates, the agency must submit a report based on data from the Family Independence Temporary Assistance Program (FITAP) and the Strategies to Empower People Program (STEP) containing the following information:

1. a listing of, and implementation dates for, all state and federal eligibility changes, as defined at §261.42, made by the state after FY 2005;
2. a numerical estimate of the positive or negative impact on the applicable caseload of each eligibility change (based, as appropriate, on application denials, case closures, or other analyses);
3. an overall estimate of the total net positive or negative impact on the applicable caseload as a result of all such eligibility changes;
4. an estimate of the state's caseload reduction credit;
5. a description of the methodology and the supporting data that it used to calculate its caseload reduction estimates;
6. a certification that it has provided the public an appropriate opportunity to comment on the estimates and methodology, considered their comments, and incorporated all net reductions resulting from Federal and State eligibility changes; and
7. a summary of all public comments.

Copies of the TANF Caseload Reduction Report may be obtained by writing Brandy Bonney, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, Louisiana 70804-9065, by telephone at (225) 342-4096, or via e-mail at brandy.bonney.dcf@la.gov.

Written comments regarding the report should also be directed to Ms. Bonney. These must be received by close of business on February 19, 2020.

Marketa Garner Walters  
Secretary

2001#037

### POTPOURRI

#### Department of Civil Service Board of Tax Appeals

Notice of Public Hearing  
Substantive Changes to Proposed Rules  
Procedure and Practice before the  
Louisiana Board of Tax Appeals  
(LAC 69:I.309, 321, 323, 327, 329,  
501, 705, 707, 903, 909, and 1101)

The following are substantive changes to proposed amendments to the administrative rules of the Board of Tax Appeals for the state of Louisiana originally noticed in the July 2019 edition of the Louisiana Register at pages 974-977. The Board of Tax Appeals proposes incorporate substantive changes to amendments to Title 69, part I to provide for: the presentation or waiver of defenses; the transmittal of invoices for filing fees and the recovery thereof by the Office of Debt Recovery; and Board operations.

#### Title 69

#### TAX APPEALS (REVENUE DEPARTMENT AND LOCAL SALES TAX DISPUTES)

#### Part I. Procedure and Practice before the Louisiana Board of Tax Appeals

#### Chapter 3. Rules Relating to Tax Matters

#### §309. The Answer

A. - B. ...

C. If no responsive pleading is timely filed, any party may file a motion to compel the filing of responsive pleadings. Any order mandating the filing of a responsive pleading may provide that default judgment may be rendered against any party who fails to comply with such order within the deadline stated in the order. A case may be set for a trial on the merits following the filing of an answer or following a status conference with the parties. No party, without leave of the board, may present a defense at trial if that party's answer has not been filed with the board and transmitted to the petitioner at least 15 days prior to trial or if it is otherwise untimely under the applicable deadline in the case's scheduling order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1081 (June 2015), amended LR 46:

#### §321. Memoranda

A. A memoranda or other brief is due on the date set by the board by via minute entry in open hearing or by order. In the event that no deadline is set by the board, the parties shall comply with the deadlines provided for in Rule 9.9 of the Louisiana Uniform Rules of Districts Courts.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1082 (June 2015), amended LR 46:

### **§329. Filing Fees, Fees and Mileage of Witnesses**

A. - C.1. ...

2. Notwithstanding any other provision of this Paragraph, the Board may also transmit by regular mail an invoice providing that non-payment will result in collection by the office of debt recovery pursuant to applicable law, and may also provide that failure to pay within 45 days of the written notice may result in dismissal of the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1082 (June 2015), amended LR 46:

## **Chapter 5. Electronic Filing**

### **§501. Electronic Filing System Approval**

A. - N. ...

O. The board may elect to participate in the Louisiana Clerk of Court uniform filing system, and may issue a standing order to effectuate such filing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1083 (June 2015), amended LR 46:

## **Chapter 9. Board Operations**

### **§903. Board Chairman**

A. The Chairman shall serve as the chief administrative officer of the Board, and except as otherwise provided by law or rule, or as otherwise directed by a majority vote of the Board, he shall supervise its regular operations.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1083 (June 2015), amended LR 46:

### **§905. Board Vice-Chairman**

A. - B. ...

C. A majority of the board, or the chairman may, delegate other responsibilities and duties to the vice-chairman.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1083 (June 2015), amended LR 46:

### **§909. Employees**

A. The job title and classification of any board employee in the state's classified service prior to the effective date of La. Const. art. V, sec. 35 shall be retained. Except as otherwise directed by a majority of BTA members after due notice, the classification and pay of any employee covered by the provisions of this Section shall follow the procedures and rules applicable in the state's classified service, including the provisions concerning annual pay adjustments. A majority of BTA members may overturn any action related to the dismissal or suspension of an employee covered by the provisions of this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 46:

### **Public Hearing**

Notice is hereby given of a public hearing on these proposed amendments pursuant to R.S. 47:968(H)(2) at the Board offices in the Iberville Building, 627 N. Fourth Street, Baton Rouge, LA at 1 p.m. on February 13, 2019.

Judge Anthony J. "Tony" Graphia  
Chairman

2001#083

## **POTPOURRI**

### **Office of the Governor Division of Administration Office of Facility Planning and Control**

#### **Contract Limit Adjustment**

Pursuant to authority granted by Act 759 of the Regular Session of 2014, the Office of Facility Planning and Control within the Division of Administration has determined that, effective upon the date of this publication, except as provided in Paragraphs (2), (3), and (4) of R.S. 38:2212(C), the term "contract limit" as used in Chapter 10 of Title 38 (Public Bid Law) shall be equal to the sum of \$161,550 per project, including labor, materials, and equipment as per the rates in the latest edition of the Associated Equipment Dealers Rental Rate Book and administrative overhead not to exceed fifteen percent. This limit was adjusted after applying the annual percentage increase in the Consumer Price Index in the preceding year.

It is the responsibility of the approving authority to comply with all applicable requirements of R.S. 38:2212 in regards to the "contract limit" as adjusted herein.

Mark A. Moses  
Director

2001#006

## **POTPOURRI**

### **Office of the Governor Division of Administration Office of Facility Planning And Control**

#### **Public Hearing—Designer Contracts**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.) and the provisions of R.S. 39:121, the Division of Administration, Facility Planning and Control the Division of Administration, Facility Planning and Control published a Notice of Intent to promulgate a rule change to LAC 34:III.Chapter 1. Capital Improvement Projects, Subchapter A. Designer Contracts in the December 20, 2020 edition of the *Louisiana Register* (LR 45:1858-1863). The notice solicited comments and testimony. Comments were received. In accordance with the provisions of the Administrative Procedure Act, specifically

R.S. 49:953(A)(2), the Division of Administration, Facility Planning and Control gives notice of a public hearing to receive additional comments and testimony on the proposed Rule. The hearing will be held at 10 a.m. on Wednesday, January 29, 2020 at the Claiborne Conference Center, Iowa Room, 1-153, which is located at 1201 North Third St. in Baton Rouge, LA. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing.

Mark A. Moses  
Director

2001#074

### **POTPOURRI**

#### **Department of Health Physical Therapy Board**

##### **Public Hearing**

The Louisiana Physical Therapy Board hereby gives notice of a public hearing pursuant to R.S. 49:953(C)(2)(a) (Act 454 of the 2018 Regular Legislative Session) for the purpose of allowing any interested person the opportunity to comment on any rule of the board which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome.

The hearing will take place at the board office, 2110 W. Pinhook Rd. Suite 202, Lafayette, LA 70508 beginning at 9:00am and ending at 1:00pm, prior to the board meeting of the Louisiana Physical Therapy Board which commences on February 20, 2020 at 2 p.m.

To request reasonable accommodations for persons with disabilities call the Board office at 337-262-1043.

Please direct any views, if in writing, regarding the board's Rules, to Charlotte F. Martin, MPA at 2110 W. Pinhook Rd., Suite 202, Lafayette, LA 70508. Deadline for submitting written comments is Friday, February 14, 2020.

Oral comments regarding the Board's rules will be considered, but in order to be submitted to the legislative oversight committees the comments must be in writing.

Charlotte F. Martin, MPA  
Executive Director

2001#070

### **POTPOURRI**

#### **Department of Health State Board of Social Work Examiners**

##### **Hearing Notice**

The Louisiana State Board of Social Work Examiners will hold a hearing to receive public comment from any interested person regarding any rule of the agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome at the Board office on February 21, 2020 at 3:00 pm. The agency will consider fully all written and oral comments. Comments must be received in writing in order to be submitted to the legislative

oversight committees. The hearing site located at 18550 Highland Road, Suite B, Baton Rouge, LA 70809 is accessible to people using wheelchairs or other mobility aids. If other reasonable accommodations are required in order to participate in the hearing, please contact Emily DeAngelo at (225) 756-3470 at least five business days prior to the scheduled hearing. Written comments may be submitted to Emily DeAngelo, Administrator, 18550 Highland Road, Suite B, Baton Rouge, LA 70809 or [edeangelo@labswe.org](mailto:edeangelo@labswe.org). Comments must be postmarked no later than Friday, February 14, 2020.

Emily DeAngelo  
Administrator

2001#056

### **POTPOURRI**

#### **Department of Natural Resources Office of Conservation**

##### **Legal Notice of Amended Public Hearing RLI Insurance Company (Docket No. EXEC 2019-001)**

Pursuant to provisions of the laws of the state of Louisiana, particularly Title 30 of the Louisiana Revised Statutes of 1950 as amended, and provisions of Statewide Order 29-B (LAC 43:XIX, Subpart 1), notice is hereby given that the commissioner of Conservation hereby amends the call of the public hearing for Docket No. EXEC 2019-01, which will be conducted at 9 a.m., Tuesday, February 18, 2020. The hearing will be held in the LaBelle Hearing Room, first Floor, LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana.

The hearing which was originally noticed to be held on December 17, 2019 was continued at the request of representatives of RLI Insurance Company until February 18, 2020. The format of the hearing is not being amended. The hearing is still fact finding in nature, meaning that at the hearing, the commissioner or his designated representative will give any interested person the opportunity to present testimony, facts, oral or written comments relative to a determination as to whether or not RLI Insurance Company is appropriate for providing financial security on behalf of Louisiana operators. While the original notice stated that this determination would be made with regard to RLI's appropriateness for providing financial security in compliance with Statewide Order 29-B (LAC 43:XIX, Subpart 1, Chapter 1, Section 104), the scope of the hearing is hereby amended to include a determination as to whether or not RLI Insurance Company is appropriate for providing financial security on behalf of Louisiana operators for any and all financial security requirements under the Office of Conservation's regulatory authority, namely, each of the following regulations: LAC 43:XIX.104; LAC 43:XIX.511; LAC 43:XVII.107; LAC 43:XVII.207; LAC 43:XVII.209; LAC 43:XVII.309; LAC 43:XVII.3109; and LAC 43:XVII.3309.

All persons having interest in the aforesaid shall take notice thereof.

In accordance with the Americans with Disabilities Act, if you need assistance at the hearing, please contact the Office

of Conservation, Executive Division at 617 North Third Street, Baton Rouge, LA 70802 in writing no later than 5 working days prior to the hearing date.

Richard P. Ieyoub  
Commissioner

2001#010

**POTPOURRI**  
**Department of Natural Resources**  
**Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	001	33422
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	002	33483
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	004	33597
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	003	33673
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	005	35381
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	006	35522
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	007	50214
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	010	50345
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	008	50346

Operator	Field	District	Well Name	Well Number	Serial Number
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	009	50347
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	011	56573
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	012	56574
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	013	56575
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	014	56576
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	015	56577
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	016	57561
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	017	57562
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	018	57563
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	019	57564
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	020	57565
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	021	58607
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	022	58608
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	023	58609



Operator	Field	District	Well Name	Well Number	Serial Number
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	024	58610
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	025	58611
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	026	58813
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	027	58814
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	028	58815
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	030	59708
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	029	59709
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	032	60955
C. J. Broome Oil Company	Caddo Pine Island	S	Gerhig-Stoer	031	60956
C. J. Broome Oil Company	Caddo Pine Island	S	Robertson Swd	002	173053
C. J. Broome Oil Company	Caddo Pine Island	S	Robertson A	001	173054
C. J. Broome Oil Company	Caddo Pine Island	S	Robertson A	005	174143
C. J. Broome Oil Company	Caddo Pine Island	S	Robertson A	002	174917
C. J. Broome Oil Company	Caddo Pine Island	S	Dorothy Colvin Jordan et al	001	178862

Operator	Field	District	Well Name	Well Number	Serial Number
C. J. Broome Oil Company	Caddo Pine Island	S	Horn	001	178867
C. J. Broome Oil Company	Caddo Pine Island	S	Horn	002	183681
C. J. Broome Oil Company	Caddo Pine Island	S	Dorothy Colvin Jordan Et Al	002	183682
C. J. Broome Oil Company	Caddo Pine Island	S	Dorothy Colvin Jordan et al	003	205100
C. J. Broome Oil Company	Caddo Pine Island	S	Robertson A	003	212296
C. J. Broome Oil Company	Caddo Pine Island	S	Robertson A	004	213480
C. J. Broome Oil Company	Caddo Pine Island	S	Robertson A	006	228384
C. J. Broome Oil Company	Caddo Pine Island	S	LI swd	003	249150
C. J. Broome Oil Company	Caddo Pine Island	S	LI	004	249151
C. J. Broome Oil Company	Caddo Pine Island	S	LI	005	249215
C. J. Broome Oil Company	Caddo Pine Island	S	LI	008	249253
C. J. Broome Oil Company	Caddo Pine Island	S	LI	009	249254
D & G Oil Company, Inc.	Caddo Pine Island	S	Muslow	006	32550
Talon Energy Llc	Thibodaux	L	Mccullar sua; Paul T Ray	002	213310

Operator	Field	District	Well Name	Well Number	Serial Number
Talon Energy Llc	Thibodaux	L	Nicholls B rb sub; Paul T Ray	001	215145
Talon Energy LLC	Thibodaux	L	Lucy May Richard swd	001	972331
W. D. Roberson	Monroe	M	Feazel & Frierson	004	12749
W. D. Roberson	Monroe	M	L Stubbs	001	12999
W. D. Roberson	Monroe	M	Mary E Lee	001	34129
W. D. Roberson	Monroe	M	Lamkin	001	36106
W. D. Roberson	Monroe	M	Lamkin	002	36550
W. D. Roberson	Monroe	M	A W Smith	001	43358
W. D. Roberson	Monroe	M	B E Smith et al	001	43359
W. D. Roberson	Monroe	M	Mollie T Pardue	001	83370
W. D. Roberson	Monroe	M	Mollie T Pardue	002	83688
W. D. Roberson	Monroe	M	Primos- Luffey	002	91776
W. D. Roberson	Monroe	M	O D Hollis	001	93704
W. D. Roberson	Monroe	M	Union- Haile Bros	049	93815
W. D. Roberson	Monroe	M	J T Bird	001	95120
W. D. Roberson	Monroe	M	Lamkin	003	129855
W. D. Roberson	Monroe	M	Norman et al	001	135530
W. D. Roberson	Monroe	M	Monterey	001	144472
W. D. Roberson	Monroe	M	J D Brantley	001	146440
W. D. Roberson	Monroe	M	George Smelser	001	158012
W. D. Roberson	Monroe	M	Reppond	001	158264
W. D. Roberson	Monroe	M	Reppond	002	158265
W. D. Roberson	Monroe	M	Reppond	003	158266

Operator	Field	District	Well Name	Well Number	Serial Number
W. D. Roberson	Monroe	M	Reppond	004	158267
W. D. Roberson	Monroe	M	Reppond	005	158268
W. D. Roberson	Monroe	M	Reppond	006	159992
W. D. Roberson	Monroe	M	A Thibeaux	001	167777
W. D. Roberson	Monroe	M	Exxon Fee D	002	168665
W. D. Roberson	Monroe	M	Exxon Fee D	003	168666
W. D. Roberson	Monroe	M	A Thibeaux	002	169361
W. D. Roberson	Monroe	M	A Thibeaux	003	169817
W. D. Roberson	Monroe	M	A Thibeaux	004	169819
W. D. Roberson	Monroe	M	Hearn	002	181738
W. D. Roberson	Monroe	M	Hearn	004	182415
W. D. Roberson	Monroe	M	Mollie T Pardue	003	192102
W. D. Roberson	Monroe	M	Feazel & Frierson	005	194813
W. D. Roberson	Monroe	M	Pennzoil	001	216612
W. D. Roberson	Monroe	M	Pennzoil	002	216681

Richard P. Ieyoub  
Commissioner

2001#025

## POTPOURRI

### Department of Transportation and Development

Construction Management at Risk Project  
East Baton Rouge Parish

The Louisiana Department of Transportation and Development (LA DOTD) is announcing the LA DOTD's intent to enter into a Construction Management at Risk (CMAR) contract with a CMAR Contractor possessing qualified construction contracting capability for the Comite River Diversion Canal Bridges (state project nos. H.001352 and H.002273).





The major elements of the Comite River Diversion Canal Bridges CMAR Project (the “project”) as currently proposed include the following:

- new bridge structures over the future Comite River Diversion Canal at LA 67 and LA 19;
- a new railroad bridge structure over the future Comite River Diversion Canal at LA 19;
- temporary at-grade highway bypass roads for LA 67 and LA 19;
- an at-grade shoo-fly for the Geaux Geaux railway on LA 19;
- utility coordination and, as necessary, relocations;
- maintenance of traffic; and
- local and business access.

The anticipated pre-construction services agreement execution date for the project is no later than May 2020.

Responses to this notice and the following request for qualifications (RFQ) will be evaluated to determine the most highly qualified proposer that is able to provide both pre-construction services and, if successfully negotiated, construction services for the Project.

The LA DOTD is seeking a CMAR contractor for the project that is committed to quality; has proven experience in pre-construction and construction services related to the construction of highway and bridge projects; will bring innovative approaches and a collaborative work effort to the project; will ensure timely completion; and is willing to partner with the LA DOTD and its designer and independent cost estimator for the mutual success of the project.

Firms/teams interested in providing the services for the project should submit a letter of interest (LOI) to [ComiteCMAR@la.gov](mailto:ComiteCMAR@la.gov). All correspondence with the LA DOTD on matters concerning this notice and the subsequent RFQ for the Project should be made in writing to this e-mail address.

An LOI from proposers in response to this notice will be due by January 28, 2020. The LOI should, at a minimum, name the proposed primary team members (if the LOI is being submitted by a team) and contact information (name, telephone number, address, and e-mail address) for the official point of contact for the proposer.

Proposers that provide the LA DOTD with an LOI will be issued the RFQ and will be placed on a list of interested firms that will be placed on the LA DOTD Web site (<http://www.dotd.la.gov>).

Dr. Shawn Wilson  
Secretary

2001#057

## POTPOURRI

### Workforce Commission Office of Workers' Compensation Administration

#### Weekly Compensation Benefits Limits

Pursuant to R.S. 23:1202, and based on the statewide average weekly wage as determined by the Louisiana Workforce Commission, the following limits shall apply to weekly compensation benefits for claimants injured during the period September 1, 2019 through August 31, 2020.

Average Weekly Wage	Maximum Compensation	Minimum Compensation	Mileage Reimbursement
\$916.85	\$688.00	\$183.00	* .575 cents per mile
*Effective January 1, 2020 the mileage reimbursement is \$0.575 per mile pursuant to R.S. 23:1203(D).			

This information updates R.S. 23:1202 of the Louisiana Workers Compensation Act.

	<b>Average Weekly Wage</b>	<b>Maximum Comp</b>	<b>Minimum Comp</b>
Sept 1, 1999-Aug 31, 2000	512.47	384.00	102.00
Sept 1, 2000-Aug 31, 2001	517.93	388.00	104.00
Sept 1, 2001-Aug 31, 2002	530.43	398.00	106.00
Sept 1, 2002-Aug 31, 2003	554.31	416.00	111.00
Sept 1, 2003-Aug 31, 2004	572.53	429.00	114.00
Sept 1, 2004-Aug 31, 2005	584.40	438.00	117.00
Sept 1, 2005-Aug 31, 2006	605.46	454.00	121.00
Sept 1, 2006-Aug 31, 2007	637.19	478.00	127.00
Sept.1, 2007-Aug 31, 2008	696.00	522.00	139.00
Sept. 1, 2008-Aug. 31, 2009	728.10	546.00	146.00
Sept. 1, 2009-Aug. 31, 2010	768.83	577.00	154.00
Sept. 1, 2010-Aug. 31, 2011	772.18	579.00	154.00
Sept. 1, 2011-Aug. 31, 2012	789.00	592.00	158.00
Sept. 1, 2012-Aug. 31, 2013	807.07	605.00	161.00

	<b>Average Weekly Wage</b>	<b>Maximum Comp</b>	<b>Minimum Comp</b>
Sept. 1, 2013-Aug. 31, 2014	825.54	619.00	165.00
Sept. 1, 2014-Aug. 31, 2015	839.76	630.00	168.00
Sept. 1, 2015-Aug. 31, 2016	865.31	649.00	173.00
Sept. 1, 2016-Aug. 31, 2017	876.00	657.00	175.00
Sept. 1, 2017-Aug. 31, 2018	870.00	653.00	174.00
Sept. 1, 2018-Aug. 31, 2019	886.38	665.00	177.00
Sept. 1, 2019-Aug. 31, 2020	916.85	688.00	183.00

Actual wages are to be paid if the wages are less than the minimum.

Approved mileage rate as of January 1, 2020 is \$0.575 per mile.

Sheral Kellar  
Assistant Secretary

2001#016

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## ADMINISTRATIVE CODE UPDATE

### Cumulative

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